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JOURNAL

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OF THE

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

TERMINES

TERRITORY OF THE UNITED STATES OF
AMERICA, SOUTH OF THE RIVER OHIO;

BEGUN AND HELD

AT KNOXVILLE, THE 25TH DAY OF AUGUST, 1794.

KNOXVILLE:

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JOURNAL

OF THE

LEGISLATIVE COUNCIL.

Monday the twenty-fifth day of August, 1794, being the day appointed for the meeting of the General Assembly of the Territory of the United States of America, South of the river Ohio, the members nominated by the Representatives of the People, and commissioned by the President of the United States as Legislative Councillors for said Territory, appeared, produced their credentials, and took their seats, to-wit :

The Honorable GRIFFITH RUTHERFORD,

“ JOHN SEVIER,
“ JAMES WINCHESTER,
“ STOCKLEY DONELSON,
“ PARMENAS TAYLOR.

Adjourned till to-morrow 10 o'clock, A. M.

TUESDAY, AUGUST 26, 1794.

Met according to adjournment.

Proceeded to the choice of a President ; when the Honorable Griffith Rutherford was unanimously elected and conducted to the Chair

Proceeded to the election of a Clerk. Mr. Sevier was appointed to superintend the balloting ; when George Roulstone was appointed and qualified accordingly.

Christopher Shoat was chosen Doorkeeper.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

This House is now formed and ready to proceed on the public business,

and wish to know if you are met and prepared to receive communications from the House of Representatives.

On motion of Mr. Winchester, Mr. Sevier was appointed to confer with such member or members of the House of Representatives as they may join, and to report what rules are necessary to be observed in doing business between the Council and House of Representatives.

Ordered, That the following message be sent the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have appointed Mr. Sevier to act with such member or members as you may appoint, as a committee to report the rules necessary to be observed in doing business between the Council and House of Representatives.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We concur with your message, and appoint on our part Mr. White and Mr. Rutledge, to confer with Mr. Sevier what rules are necessary to be observed in doing business between the Council and House of Representatives.

Adjourned till to-morrow 10 o'clock, A. M.

WEDNESDAY, AUGUST 27, 1794.

Met according to adjournment.

Mr. Sevier, from the committee of the Council and House of Representatives, reported the rules necessary to be observed in doing business between the Council and House of Representatives. Read and concurred with.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We propose that a joint committee of both Houses be appointed to report, as soon as possible, what bills of a public and general nature are necessary to be passed into laws by the present Assembly. We appoint on our part for this purpose, Mr. White, Mr. Cocke, Mr. Hardin, Mr. Wear and Mr. Doherty, to act with such gentlemen as you shall appoint on your part.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition in appointing a joint committee to report what bills of a public and general nature are necessary to be passed into laws the present session, and join on our part Mr. Sevier and Mr. Winchester.

William Maclin was appointed Assistant Clerk.

Adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, AUGUST 28, 1794.

Met according to adjournment.

Thomas Bounds was appointed Doorkeeper.

Mr. Sevier moved for leave and presented a bill for the relief of persons who have suffered, or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law.

And a bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia of this Territory, and providing for the widows and orphans of such as have died; which were read the first time, passed and sent to the House of Representatives.

Received from the House of Representatives a bill for the relief of persons who have suffered, or may suffer by their grants, deeds, and mesne conveyances not being registered, &c.

Also, a bill for the relief of such persons as have been disabled by wounds, &c., in the militia service of this Territory, and providing for the widows and orphans of such as have died; each endorsed, 'Read the first time and passed.'

Ordered, that these bills be read; which being read, were passed the second time and returned.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council,

The House of Representatives have received the report of the committee appointed to report what bills of a public and general nature are necessary to be passed into laws the present session, and have concurred therewith. And in order that the bills may be drawn and brought forward on the part of this House, Mr. Wear, Mr. Taylor, and Mr. Doherty, are appointed a committee to draw a bill to regulate the militia of this Territory.

Mr. White and Mr. Cocke, a committee to draw a bill to establish the judicial courts, and to regulate the proceedings thereof.

Mr. Hardin and Mr. Tipton, a committee to draw a bill making provision for the poor.

Mr. Rutledge and Mr. McMinn, a committee to draw a bill to levy a tax for the year 1794.

Mr. Hardin and Mr. Ford, a committee to draw a bill declaring what property shall be taxable, and the mode of collecting the tax thereon.

Mr. Doherty and Mr. Wear to draw a bill for the relief of such of the militia as have been wounded by the Indians in the late invasions. To act with such gentlemen as you may appoint on your part.

On motion, to agree with the proposition contained in the above message, the Council concurred with the same so far as to appoint Mr. Sevier for the court bill, and Mr. Winchester for the militia bill.

Received from the House of Representatives a bill to establish the toll of certain mills, endorsed, 'Read the first time and passed.'

Ordered, that this bill be read, which being read was passed the first time and returned.

Adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, AUGUST 29, 1794.

Met according to adjournment.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

We concur with your proposition for appointing committees to draw such bills as are of a public nature ; and on our part have appointed Gen. Sevier to the court bill, and Col. Winchester for the militia bill.

The President laid before the Council the petition of the people called Quakers ; which was read and referred to the committee on the militia bill.

Mr. Sevier moved for leave, and presented a bill to admit attornies at law to practise and plead in the superior and county courts in this Territory ; which was read the first time, passed, and sent to the House of Representatives.

On motion of Mr. Sevier, Mr. Donelson was appointed on the part of the Council to draw up a tax bill, and to report what sum of money is necessary to be raised for the support of the civil list for the year 1794.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

We propose that a committee be appointed for the purpose of drawing up a tax bill, and to report what sum of money is necessary to be raised for the support of the civil list for the year 1794, and for that purpose appoint Mr. Donelson on our part.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

This House having taken the petition of James Russell into consideration, propose that a joint and standing committee of propositions and grievances be appointed ; and appoint on our part Messrs. Tipton, Hardin, White, Cocke and Taylor, to act in conjunction with such gentlemen as you may appoint on your part.

Read and concurred with, and Mr. Winchester appointed on the part of the Council.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposal of appointing a joint and standing committee of propositions and grievances, and on their part appoint Mr. Winchester.

Received from the House of Representatives, a bill to admit attornies at law to practise and plead in the superior and county courts within the Territory south of the river Ohio, endorsed, 'Read the first time and passed ;' which being read, was amended, passed a second time, and returned.

Also, a bill to establish a University in Greene county, in the Territory south of Ohio—and

A bill directing the mode of authenticating powers of attorney and obligations, for the conveyance of land in certain cases, and authorising

executors and administrators to make conveyances, each endorsed, 'Read the first time and passed'—which were read the first time, passed and returned.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

The House of Representatives agree to your proposition of appointing a committee for the purpose of drawing up a tax-bill, and appoint on our part Messrs. White and Cocke.

Adjourned till to-morrow, 9 o'clock, A.M.

SATURDAY, AUGUST 30, 1794.

Met according to adjournment.

Received from the House of Representatives a message, accompanying a report of the committee of propositions and grievances, endorsed, 'Read and concurred with;' which being read was concurred with and returned.

A message from the House of Representatives :

Mr. President and Gentlemen,

We propose that a joint committee be appointed to draw up in general fee-bill, and for that purpose appoint on our part Messrs. White, Doherty, Hardin, Rutledge and Cocke, to act with such gentlemen as you may appoint.

Received from the House of Representatives, the memorial of Joshua Hadley, endorsed, 'Read and referred to the committee of propositions and grievances'—which was read and referred to the same committee.

Received also, a bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring assistance for themselves, &c. endorsed, 'read a second time and passed.'

Ordered that this bill be read, which being read, was passed the third time and returned.

A bill for the relief of such persons as have suffered, or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law, endorsed, 'read the second time, amended and passed'—which being read, on motion to agree to the amendment of the House of Representatives, it passed in the negative.

A bill establishing the toll of certain mills, endorsed, 'read the second time, amended and passed'—which being read, was, on motion, rejected.

Also, a bill directing the mode of authenticating powers of attorney, &c. endorsed, 'read the second time, amended and passed.'

A bill to admit attornies at law to practice, &c. endorsed, 'read a second time and passed.'

A bill to establish a University in Greene county, in the Territory south of the river Ohio, endorsed, 'read a second time and passed.'

Ordered, that this bill be read, which being read, was amended, passed the second time and returned.

Adjourned till Monday 9 o'clock, A.M.

MONDAY, SEPTEMBER 1, 1794.

Met according to adjournment.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not agree to your amendment to the bill for the relief of such persons who have suffered or may suffer by their grants, deeds, and mesne conveyances not being proved, &c.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We propose that a committee be appointed to confer with the Governor what shall be the enacting stile to our laws, for which purpose, we appoint Messrs. White, Wear, Hardin, and Cocke, to act with such gentlemen as you may appoint.

Concurred with—and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition in appointing a committee to confer with the Governor, concerning the enacting stile of the laws to be passed, and on their part appoint Mr. Sevier.

Received from the House of Representatives, a bill to alter the time of holding courts of law and equity in this Territory, endorsed, 'read the first time and passed'—which being read was passed the first time, and returned.

A message from the House of Representatives accompanying the report of the committee of propositions and grievances, to whom was referred the memorial of Joshua Hadley, surviving officer of Evans's battalion, to wit :

That the said battalion was raised on the faith of the State of North Carolina as appears by their act of 1786, and was destined for the protection of their then frontiers (Mero District). That the soldiers thereof did their duty faithfully, and in discharging the same, many of them lost their lives, but have received no part of their pecuniary pay.

Your committee further report, that it would be dishonorable and iniquitous for the government of this Territory not to pay these troops, had its public faith been pledged for that purpose, nor could the failure of any particular fund have in that case been with propriety alleged as a pretext to evade the debt.

Your committee are forced to call to remembrance that this Territory has never been protected in a state of peace and security, without which it was not reasonable to expect from it finances equal to the payment of such troops as the State of North Carolina might think proper to enlist; besides that the inhabitants of this country contributed equally with said battalion to afford security and peace to the interior parts of North Carolina.

Your committee also remark, that the most natural fund for the payment of the soldiers aforesaid, would have been derived from the vacant land which these soldiers helped to protect and secure, which fund has

been disposed of for other purposes by the government who raised the battalion ; that as for any other fund established for this payment by the State of North Carolina, if such fund has not proved effectual, the default did not arise from any misconduct in this government, or in the citizens thereof, but either through the neglect of the officers in that State, or the deficiency might be fairly ascribable to this, that the lands on which the taxes ought to have been collected, were chiefly in the hands of the citizens of North Carolina, whose absence from the Territory enabled them to evade the taxes imposed on and paid by the people of this Territory.

Finally, we are of opinion that the government is bound by no express contract with the said soldiers, so neither do we see any equitable circumstances which ought to induce this assembly to discharge a debt contracted by, and justly due from the State of North Carolina.

JOHN TIPTON, *Chairman.*

Read and concurred with.

Mr. Sevier made the following report, viz :

The committee appointed to meet in conference with the Governor and a committee of the Legislative Council, report that the stile to be observed in the titles of acts should be as follows, viz : *Be it enacted by the Governor, Legislative Council, and House of Representatives.*

They further report, that all bills be sent to the Governor after the second reading, for him to offer such amendments as he may think proper, and not again, until the bill is engrossed for his assent.

JOHN SEVIER, *Chairman.*

With which report the Council concurred, and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives :

The Council concur with the report of the committee of conference with the Governor respecting the enacting stile of our laws, &c.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, SEPTEMBER 2, 1794.

Met according to adjournment.

A message from the House of Representatives, informing that they do not concur with the report of the committee of conference with the Governor ; and proposing that the enacting stile of the laws shall be, 'The General Assembly of the Territory South of the river Ohio.'

The Council, taking the foregoing message into consideration, adhere to their concurrence to the report of the committee of conference ; and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives :

In pursuance with your proposition, the Council appointed one of its members to join such members as you had appointed for that purpose, to wait on his Excellency, the Governor, and with him to confer what should be the enacting stile of our laws.

That committee reported, and with which report the Council concurred.

Your message of this day informs them that you do not concur with the report of that committee.

The Council still adhere to their concurrence with the first part of that report, for the following reasons : that the ordinance of Congress expressly declares ' that the General Assembly shall consist of the Governor, Legislative Council, and House of Representatives,' and that all laws shall be passed by the Governor, Legislative Council, and House of Representatives,

Received from the House of Representatives, a bill empowering the courts of counties within this Territory to erect a court house, prison, stocks, &c., endorsed ' read the second time and passed ;' which was read the first time, passed and returned.

Also, a bill to alter the time of holding the courts of law, &c., endorsed ' read the second time, amended and passed ;' which being read, was passed a second time and returned.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

This House concurs with the first part of the report of the committee appointed to confer concerning the enacting stile of our laws.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

This house upon reading for the third time the bill for the relief of such persons who have suffered or may suffer by their grants, &c., not being registered, &c., cannot agree to pass the bill without striking out the proviso ' that nothing in this act contained shall be so construed as to admit to record or registration, or ratify any grant or grants heretofore made in Lord Granville's office ;' and if the Council agree to this amendment, they will send one of their members to see it made.

With which the Council do not agree ; and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen :

The Council do not concur in striking out the proviso in the bill for the relief of such persons who have suffered, or may suffer by their grants, &c., not being registered, &c., as by you proposed.

The Council propose that managers may be appointed on the disagreement, and on their part appoint Mr. Sevier.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

This House, on reading for the third time the bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, &c., propose that those words near the close of the first section, be deled, to wit : ' by the Speaker and President of both Houses ;' and that the following words be inserted in their place : ' by the Governor, President of the Council, and Speaker of the House of Representatives.'

Read and concurred with.

Mr. Sevier, from the conference with the managers of the House of Representatives, made the following report :

That the House of Representatives agree to withdraw their proposition in striking out the proviso in the bill for the relief of persons who have suffered, &c., by their grants not being registered, &c.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

We propose to ballot to-morrow at 10 o'clock, at the court house, for a delegate to Congress ; and on our part appoint Messrs. Taylor and Doherty, to superintend the balloting.

Concurred with, and Mr. Taylor appointed on the part of the Council to superintend the balloting.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen :

The Council concur with your amendment to the bill for the relief of such persons as have been disabled by wounds, &c.

Adjourned till to-morrow 9 o'clock, A. M.

WEDNESDAY, SEPTEMBER 3, 1794.

Met pursuant to adjournment.

The bill to establish a college in Greene county, was read the third time, passed and ordered to be engrossed.

Received from the House of Representatives a bill to establish the jurisdiction of a single justice of the peace, &c., endorsed, read the second time, amended and passed.

Ordered, That this bill be read ; which being read, was passed a second time and returned.

Received from the House of Representatives a message, accompanying the report of the committee appointed to superintend the balloting for a member to Congress.

The committee who was appointed to superintend the balloting for a member to represent this Territory in Congress, report that they have conducted the aforesaid election, and on taking the polls, it appears that James White, Esq., is legally elected by a majority of both Houses. All which is submitted,

PARMENAS TAYLOR,
GEORGE DOHERTY,
LEEROY TAYLOR.

Concurred with.

Received also, a bill empowering the courts of each county in this Territory to erect a court house, &c., endorsed, read a second time and passed.

Ordered, that this bill be read, which being read, was rejected.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 4, 1794.

Met according to adjournment.

Mr. Winchester, from the committee to whom was referred the petition of the people called Quakers, reported that the said petition ought to be referred to the committee of propositions and grievances.

Concurred with.

On motion, Mr. Winchester was appointed on the part of the Council to examine engrossed bills, and to present the same to his Excellency, the Governor for his assent.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen :

The Council propose that one member be appointed from the Council, and one from the House of Representatives, to examine engrossed bills and present the same to his Excellency the Governor for his assent, and have appointed Mr. Winchester on their part for that purpose.

Mr. Sevier moved for leave to withdraw for amendment, the bill to admit attorneys at law to practice and plead in the superior and county courts, &c ; which was granted.

Mr. Sevier, from the committee appointed for that purpose, presented a bill to establish a system of court laws ; which was ordered for the first reading to-morrow.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

We herewith send you the report of the committee of propositions and grievances, with which this House concurs, and propose that a joint committee be appointed to draw up a memorial to Congress, agreeable to said report, and on our part appoint Messrs. White, Cocke, Doherty, Kelly and Wear for that purpose, to act with such gentlemen as you may appoint.

The committee of propositions and grievances delivered the following report :

Your committee to whom was referred the petition of William Evans, report that this petition, praying for compensation for a negro put to death under the jurisdiction of the State of Franklin, cannot be complied with.

On the petition of the inhabitants south of French Broad, your committee report that the said inhabitants ought to have all the assistance in the power of this General Assembly to give towards securing them in their improvements. That as the disposal of the soil rests in Congress, it will be proper for this Assembly to draw up a memorial to that body, stating the facts as may induce them to secure the said inhabitants in a right of pre-emption, and pray that an act of Congress may be passed for that purpose.

Concurred with, and Mr. Sevier and Mr. Taylor appointed on the part of the Council.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

The House of Representatives agree to your proposition in appointing a member from each House, to examine engrossed bills and present the

same to his Excellency Governor Blount for his assent, and on our part appoint Mr. White to act with Mr. Winchester.

Mr. President and Gentlemen of the Council :

This House have added Messrs. Kelly, Wear and Doherty, to the committee of propositions and grievances.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives :

The Council concur with your proposition in appointing a committee to draw up a memorial to Congress on the petition of the people south of French Broad, and have appointed Mr. Sevier and Mr. Taylor on their part for that purpose.

Received from the House of Representatives, a bill for extending the line between the county of Sullivan and Hawkins, endorsed, ' read the first time and passed.

Ordered, that this bill be read, which being read the first time, was passed and returned.

Adjourned until to-morrow, 7 o'clock, A.M.

FRIDAY, SEPTEMBER 4, 1794.

Met according to adjournment.

Sent to the House of Representatives the following messages :

Mr. Speaker and Gentlemen,

The Council concur with the report of the committee to whom was referred the petition of the people called Quakers, viz: That it ought to be referred to the committee of propositions and grievances.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have entered into the following resolution, with which they request your concurrence, to wit: *Resolved*, That the Governor be authorised and requested to cause a *new census* of the people to be made, on the last Saturday in the month of July, 1795, in the same manner as the census was made by his order in the year 1791., to the end that representation may be apportioned to population in the respective election districts or counties.

The President laid before the Council, a letter from Daniel Smith, Esq., Secretary of this Territory, covering an account of monies received and expended as treasurer, in pursuance of an act passed by the Governor and Judges, on the 13th day of March, 1793, which being read, on motion, resolved, that the said letter and account be referred to a committee of the Council and House of Representatives, and that Mr. Sevier be appointed on the part of the Council.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

We herewith send you a letter from Daniel Smith, Esq., secretary of the Territory, covering an account of monies received and expended as treasurer, in pursuance of an act passed by the Governor and Judges, the 13th day of March 1793; and propose, that a joint committee be appointed

to take the same into consideration. The Council appoint on their part Mr. Sevier.

Received from the House of Representatives, a bill for ascertaining what property in this Territory shall be deemed taxable property, the method of assessing the same, collecting, &c.

And, a bill for authenticating deeds, bills of sale, and powers of attorney, each endorsed, 'read the first time and passed.'

Ordered that these bills be read; which being read, passed the first time and returned.

A bill for extending the line between the counties of Sullivan and Hawkins, endorsed, 'read a second time and passed.'

Ordered to be read, which being read was rejected.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council,

The House of Representatives concur with the resolve entered into by the Council, in authorising and requesting the Governor to cause a *new census* of the people to be made, &c. and propose the following proviso; and that a statement thereof be laid before the succeeding assembly, to judge of such apportionment.

Which being read was non-concurred with—and the following message sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur in adding the proviso to their resolution, as by you proposed, but propose that the following words be added to the resolution, after 1791; and lay the same before the next General Assembly.

On motion of Mr. Sevier the following message was sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

As doubts have arisen whether the laws of North Carolina are now in force in this Territory, the Council propose meeting the House of Representatives at such time and place as they may appoint, to take into consideration the said subject.

Received from the House of Representatives, the following messages:

Mr. President and Gentlemen of the Council,

We herewith send you the petition of sundry of the inhabitants of Jefferson county, which has been read in this House, and referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of Nathaniel Evans which has been read in this House, and referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of Christopher Haynes, which was referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We concur with your amendment to the resolution of your House as by you proposed, for taking the census of the people of this Territory.

Mr. President and Gentlemen of the Council,

We concur with your proposition in the two Houses meeting and to take into their consideration, whether the laws of North Carolina are now in force and use in this Territory; and propose that the conference be at four o'clock, at the court house.

Mr. President and Gentlemen of the Council,

We concur with your proposition in appointing a joint committee to take into consideration the subject of the letter of Daniel Smith, Esq., and for that purpose appoint on our part Messrs. White, Cocke, Doherty, Hardin, and Wear, to act with Mr. Sevier.

Adjourned until to-morrow, 7 o'clock, A.M.

SATURDAY, SEPTEMBER 6, 1794.

Met according to adjournment.

The bill to establish courts of law, and for regulating the proceedings therein—and

The bill to establish a militia in this Territory, were read the first time and passed.

A message from the House of Representatives:

Mr. President and Gentlemen of the Council,

We herewith send you the report of the committee of propositions and grievances with which this House concurs.

The committee of propositions and grievances, *Report*, that it is their opinion, the petition of divers inhabitants of the county of Washington, praying to be relieved from the penalties of the law that may be inflicted on them, on account of a certain trespass, ought not to be complied with. That the prayer of the people of Knox on the south side of the river, praying a new county is just and reasonable. That the petition of a number of the inhabitants of Jefferson county, praying a division of that county, is reasonable.—That the petition of the people called Quakers, as far as it is reasonable, will be provided for in the militia law now before a committee.—That the prayer of certain soldiers, under captain Nathaniel Evans, praying compensation for their horses taken by the Indians, is a subject, that your committee is of opinion, could be more properly laid before Congress; but that it cannot be granted by this assembly, notwithstanding the high sense we entertain of the bravery of those soldiers in defending themselves against a great superiority of enemies.

JOHN TIPTON, *Chairman.*

Received from the House of Representatives a bill for the establishment of a college in the vicinity of Knoxville, endorsed, 'read the first time and passed'—which was read the first time, passed and returned.

Also, a bill ascertaining what property shall be deemed taxable property, &c., endorsed, 'Read the second time and passed.'

The bill directing the mode of authenticating powers of attorney, was read the second time and rejected.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, SEPTEMBER 8, 1794.

Met according to adjournment.

The bill directing the mode of authenticating powers of attorney, and authorizing executors to make conveyances, was read the third time ; and on motion to amend the bill, it passed in the affirmative ; and ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives

The Council propose, that the bill to authorize executors and administrators to make conveyances, be amended in the following manner, viz :

That the word ' five, ' in the 9th line of the 3rd section, be altered to ' three, ' as it formerly stood in the bill, and that the following be added to the bill, viz :

SEC. 7. *And be it further enacted,* That in all cases where judgment and execution are obtained against the estate of any person or persons whatever, where the real estate of the debtor may be charged, it shall and may be lawful for the sheriff to levy execution on any entry or entries, location or locations, held by the debtor or debtors, and sell the same in the same manner as lands held by deed or grant. And on all such sales made, pursuant to this act, the mode of conveyance shall be by an assignment of the warrant or warrants, and by transferring of the entries and locations by the sheriff of the county where such lands are situated.

That the caption of the bill be as follows : ' A bill to authorize executors, administrators and sheriffs, to make conveyances.

If the House of Representatives agree to these amendments, they will send two of their members to see them made.

Mr. Winchester moved for leave to absent himself from the service of the Council, during the present session, which was granted.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

We herewith send you a resolve entered into by this house, in favor of James White, Esq :

Resolved, That James White, Esq., be allowed the sum of two hundred and twenty-seven dollars, for his services rendered the public, in carrying forward and presenting the memorial of the Representatives of the people of this Territory to Congress.

Concurred with ; and ordered that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with the resolution of your House, allowing James White, Esq., a compensation for his services in carrying forward and presenting the memorial of the Representatives of this Territory to Congress.

A bill for the establishment of Blount college, was read the second time, amended and passed.

Received from the House of Representatives a declaratory bill respecting the laws of North Carolina, as to their being in force and use in this Territory, endorsed, ' read the first time and passed. '

Ordered, that this bill be read, which being read, was passed the first time and returned.

The bill to authorize executors, administrators and sheriffs, to make conveyances, was read the third time, amended, passed and ordered to be engrossed.

The bill to alter the time of holding courts of law and equity, was read the third time, passed, and ordered to be engrossed.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, SEPTEMBER 9, 1794.

Met according to adjournment.

Received from the House of Representatives a bill to establish courts of law, and for regulating the proceedings therein, endorsed, 'read the first time and passed.' Ordered to be read, which being read, was amended, passed a second time, and returned.

Received from the House of Representatives a bill of pardon and oblivion, endorsed, 'read the first time and passed.'

Ordered, that this bill be read; which being read, was rejected.

The bill to ascertain the several officers' fees therein mentioned, was read the first time and passed.

On motion, resolved, that the following clause be added to the resolution of the House of Representatives of yesterday, in favor of James White, Esq., and that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have entered into the resolution herewith sent, in amendment to that entered into yesterday in favor of James White, Esq., with which they request your concurrence.

Resolved, That Daniel Smith, Esq., be directed to pay James White, Esq., the sum of two hundred and twenty-seven dollars, as allowed him by the resolve of yesterday, deducting one hundred and fifteen dollars advanced, which shall be allowed the said Daniel Smith in the settlement of his accounts.

Mr. Taylor was appointed to examine engrossed bills, in the room of Mr. Winchester, who had leave of absence.

Adjourned till to-morrow 9 o'clock.

WEDNESDAY, SEPTEMBER 10, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill providing for the payment of such debts as are due to persons for services performed in cutting a road to Cumberland, &c.

A bill to authorize the drawing a lottery in the district of Mero, for the purpose of raising a fund for creating a district gaol and stocks in the town of Nashville. And

A bill for dividing Washington county into two district counties, each endorsed, 'read the first time and passed.'

Ordered, that these bills be read ; which being read, were passed the first time and returned.

Also, a bill to establish Blount college in the vicinity of Knoxville, endorsed, ' read the third time and passed. '

Ordered, that this bill be read ; which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives the following message :

Mr. President and Gentlemen of the Council,

We herewith send you a resolution entered into by this house in favor of William Cocke, Esq.

Resolved, That William Cocke, Esq., having acted as attorney for the district of Washington, be permitted to receive the sum of two hundred and fifty dollars, out of the fines to be collected, and which have been imposed during the time he acted as attorney for the district aforesaid ; and to be accountable to the future legislature of this Territory, when Congress makes provision to pay him for his services as attorney for said district.

Read and non-concurred with ; and on motion, ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur with the resolution by you entered into in favor of William Cocke, Esq. But have entered into the resolution herewith sent, with which they request your concurrence.

Whereas, William Cocke, Esq., having served and acted as state attorney for the district of Washington, for which there is not as yet any provision made by law ;

Resolved, by the Governor, Legislative Council, and House of Representatives, That William Cocke, esquire, be allowed and permitted to take and receive the sum of two hundred and fifty dollars out of the fines to be collected, or which have been collected, and which have been imposed during the time he acted as attorney for the district aforesaid ; which sum is to be refunded to any future legislature, in case the Congress of the United States shall make provision to pay him for services as attorney for said district.

Received from the House of Representatives the following messages :

Mr. President and Gentlemen of the Council,

This House agrees to your amendment to the resolution in favor of William Cocke, esq.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of sundry inhabitants of the counties of Knox, Jefferson, and Hawkins, which has been referred to the committee of propositions and grievances.

Mr. President and Gentlemen,

This house concurs with your amendment to the resolution in favor of James White, esq.

Mr. Donelson moved for leave, and presented a bill to divide the county of Jefferson into two distinct counties, which was read the first time and passed.

The bill for establishing a militia in this Territory, was read a second time, amended and passed.

Mr. Donelson, from the committee appointed to make an estimate of the expenses for the year 1794, reported, that the probable expenditures for said year, will amount to two thousand three hundred and ninety dollars.

The bill for ascertaining what property in this Territory shall be deemed taxable, &c., was read the second time amended and passed.

Mr. Taylor moved for leave and presented a bill, directing the clerks of the several courts of record in this Territory, as to their duty in office with respect to issuing writs, which was read the first time and passed.

Adjourned until to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 11, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill for dividing Knox county :

A bill to empower the Justices of Hawkins county to lay a tax for the purpose of erecting a court house, prison and stocks in said county, each endorsed read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time and returned.

Received from the House of Representatives a bill to authorize the drawing a lottery in the district of Mero—And a bill to empower the justices of Hawkins county to lay a tax for the purpose of erecting a court house, prison and stocks, each endorsed, ' read a second time and passed. '

Ordered, that these bills be read, which being read, were passed the second time and returned.

Also, a bill for dividing Knox county into two distinct counties, endorsed, ' read the second time and passed. ' Which being read was rejected.

Received also, a bill to divide Jefferson county into two distinct counties—And a bill directing the clerks of the several courts of record as to their duty in office, &c. endorsed, ' read the first time and passed. '

Ordered, that these bills be read ; which being read, were passed the second time and returned.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, SEPTEMBER 12, 1794.

Met according to adjournment.

Received a bill to regulate and ascertain the several officers fees therein mentioned, endorsed, ' read the second time, amended and passed.—Which being read, on motion, Mr. Donelson had leave to withdraw the same for amendment.

Also, a bill to ascertain what property in this Territory shall be deemed taxable property, &c. endorsed, read the third time & passed.

Mr. Sevier moved for leave, and presented a bill for appointing commis-

sioners in the district of Washington, for the purpose of erecting a court house, prison and stocks, &c. which was read the first time and passed.

On motion of Mr. Sevier, the following resolution was entered into :

Resolved, that the act of Congress intituled, 'An act to accept a cession of the claims of North Carolina to a certain district of Western Territory.'—The Ordinance of Congress of the 13th of July, 1787, intituled, 'An ordinance for the Government of the Territory of the United States North West of the river Ohio—The ordinances of the Governor, and the acts of the Governor and Judges, be published with the acts of the present session.

Ordered, That the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

We herewith send you a resolve entered into this day, directing certain acts of the Governor and Judges of this Territory, and the ordinance of Congress of July 1787, to be printed with the acts of the present session, with which we request your concurrence.

Received from the House of Representatives, the following message :

Mr. President and Gentlemen of the Council,

Herewith we send you the report of the committee appointed to draw up an address to Congress, in favor of the inhabitants south of French Broad, with which this house concurs.

Which being read, was concurred with.

Received also the following message :

Mr. President and Gentlemen of the Council,

We propose that a joint committee be appointed to draw up an address to his Excellency Governor Blount, relative to the continuance of Indian hostilities. This house appoint Messrs. White and Wear.

Concurred with, and Mr. Sevier appointed on the part of the Council.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives :

The Council concur with your proposition in appointing a committee to draw up an address to his Excellency Governor Blount, relative to the continuance of Indian hostilities ; and have appointed Mr. Sevier.

The Council also concur with the report of the committee appointed to draw up an address to Congress.

Received from the House of Representatives a bill for dividing Washington county into two distinct counties, endorsed, read the second time and passed.—Which being read, was amended, passed the second time and returned.

Adjourned until to-morrow 9 o'clock, A. M.

SATURDAY, SEPTEMBER 13, 1794.

Met according to adjournment.

Received from the House of Representatives a bill for dividing Washington county, &c. endorsed, read the third time, amended and passed—and a bill directing the clerks of the several courts of record in this Ter-

ritory, as to their duty in office, &c. endorsed, 'read the second time passed.'

Ordered, that these bills be read, which being read the former was, on motion, rejected—and the latter amended and passed the third time.

Received also, a bill to authorise the drawing a lottery in the district of Mero for raising a fund for erecting a district gaol and stocks in Nashville, endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives a bill for appointing commissioners in the district of Washington—and a bill to authorise the raising a fund for discharging the cost of cutting and clearing a waggon road from Holston to Cumberland, &c. each endorsed, read the first time and passed.

Ordered, that these bills be read; which being read, the former was amended and passed the second time, and the latter the first time and returned.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, SEPTEMBER 15, 1794.

Met according to adjournment.

The President laid before the Council, a bill for the collecting, payment of, and accounting for the public taxes, which was read the first time and passed.

Received from the House of Representatives, a bill to authorise the raising a fund for discharging the cost of cutting a waggon road from Holston to the Cumberland settlements, endorsed, 'read the second time and passed.'

Ordered, that this bill be read, which being read, was passed the second time and returned.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, SEPTEMBER 16, 1794.

Met according to adjournment.

On motion, Mr. Sevier had leave to withdraw for amendment the bill to establish courts of law, &c.

Received from the House of Representatives, a bill to divide the county of Jefferson into two distinct counties, endorsed, 'read a second time and passed—and a bill authorising the raising a fund for cutting a road from South West Point to the settlements on Cumberland, endorsed, read the third time, amended and passed.

Ordered, that these bills be read, which being read the former was amended, passed the third time and returned, and the latter passed the third time and ordered to be engrossed.

Also, a bill to authorise the justices of Hawkins to lay a tax, &c. endorsed, 'read the third time and passed'—and a bill for the collecting, pay-

ment of, and accounting for the public taxes, endorsed, 'read the first time and passed.'

Ordered, that these bills be read, which being read the former was passed the third time and ordered to be engrossed; and the latter the second time and returned.

Adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, SEPTEMBER 17, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and the dividing line between the counties of Knox and Hawkins, endorsed, 'read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Mr. Donelson, who had leave to withdraw for amendment, the bill to regulate and ascertain the several officers fees therein mentioned, presented the same with the amendments, which was read the third time and sent to the House of Representatives.

Received from the House of Representatives, a bill for establishing the county of ———, endorsed, 'read the first time and passed.'

Ordered, that this bill be read; which being read was passed the first time and returned.

Also, a bill to establish a militia in this Territory, endorsed, 'read a second time, amended and passed.'

Ordered, that this bill be read, which being read was amended, passed the third time and returned.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 18, 1794.

Met pursuant to adjournment.

Received from the House of Representatives the following memorial, which was read and concurred with.

Territory of the United States south of the river Ohio.

The memorial of the Legislative Council and House of Representatives, to the Congress of the United States of America.

. It appearing from the proceedings of your late session, upon the memorial of the Representatives of the people of this Territory, that both the Senate and House of Representatives agreed in the propriety and necessity of extending effectual protection to the exposed frontiers of this country, though they differed in the mode; we are induced to hope the subject will again be taken up at an early day of the approaching session, and that unanimity, as to the mode will take place.

We have now to inform you that since the date of that memorial, February 26th, the Creeks and Cherokees have not ceased to kill the citizens of the United States, resident in this Territory, nor to pillage the country,

but have continued to do both, as usual, with an unremitting hand; in proof of which we refer you to the annexed list of murders and thefts, committed since that period—We are truly sensible that the motives of government in forming treaties with those two nations, and in giving them large presents and annuities, have been, not the love of Indians, but with the hope that such proofs of friendship would produce a return of it on their part towards the citizens of the United States, and thereby a real peace and good understanding would be established between the parties. But, alas! we by dreadful experience know it has had a contrary effect,—Instead of viewing such conduct on the part of the United States, as an evidence of friendship towards them, they have considered it as an evidence of fear, or as a tribute paid to their superior prowess in war; and thus viewing it, it has served only to encourage them to kill additional numbers of your exposed fellow-citizens. Fear, not love, is the only means by which Indians can be governed; and until they in turn are made to feel the horrors of war, they will not know the value of peace, nor observe the treaties they may form with the United States.

In discharge of the duty we owe our constituents and ourselves, we have made to you this memorial, confiding that you, in discharge of that which you owe to yours and yourselves, will take measures to punish those two faithless and blood thirsty nations, the Creeks and Cherokees, according to the usage and custom of nations; and to secure the persons and property of the citizens of the United States, resident in this Territory.

GRIFFITH RUTHERFORD, P. L. C.

DAVID WILSON, S. H. R.

A list of the names of persons killed, wounded and captured since the 26th day of February, 1794.

March 9th. Samuel Martin, killed on a path leading from Henry's station to his father's house; and James Ferguson, on a path leading from John Craig's station.

12th. Four men killed on the Kentucky road, and one wounded.—Four men killed in Tennessee county, the particular days and names not known.

16th. John Wood wounded with four balls, about sun rise, on a path leading to the house of William Russell—a leg was cut off.

20th. Charles Bratten, killed and scalped near the house of Maj. White in Sumner county.

21st. Near the house of Secretary Smith, Anthony Bledsoe the son of the late Col. Anthony Bledsoe, and Anthony Bledsoe, the son of the late Col. Isaac Bledsoe, were both killed by Indians and scalped—Their fathers were both killed by Indians, one in his own house, the other in his field—The same party of Indians captured a valuable negro fellow belonging to Secretary Smith.

In March, the day not precisely known, Double Head, a chief of the Cherokees, killed the family of one Wilson, consisting of women and children, believed to be eight in number, on the Rolling Fork of Salt river in Kentucky, except one boy, who is now in Double Head's possession, who declares he will not give him up.

Many other people have been killed on the southern frontiers of Kentucky, of whom no account has been obtained.

April 1. Thomas Sharp Spencer, was killed on the road leading from

Knoxville to Nashville, near the Crab Orchard, by Double Head, and James Walker wounded.

2d. William Green, a federal soldier, killed at Fort Grainger, the block house at the mouth of Holston, so called.

James R. Robertson, son of Gen. Robertson, and John Grimes, his nephew, killed on the Cumberland river, the day not known.

8th. The mother of Peter and Henry Livingston and two children killed, near Mocason Gap, and a negro taken.

19th. Travellers from Kentucky inform, that three persons were killed by Indians on the Kentucky road, near Middleton's station.

21st. Casteel, his wife, and four children were killed in his own house, at the dawn of day, within seven miles of Knoxville: At the same time a neighboring child, who happened to be at his house was dangerously wounded.

James M'Cown, killed at the house of the widow Hays, ten miles from Nashville—Mrs. Hays's husband had been killed a few months before.

May 26th. One of the spies on duty was wounded on Bledsoe's creek; and on the same day, on Station Camp creek, in the midst of a thick settlement, a party of Indians fired on Mr. Strawder and his son, at work, within one hundred yards of his own house, and killed and scalped the latter; the former fled to his house, the Indians pursued and wounded his wife as she opened the door to let him in.

June 11th. The wife of Mr. Gear was scalped by Indians within four miles of Nashville, on her way to church.—Hugh Webb and Joseph M'Adams, of Sumner county, were fired upon near the Dripping Spring, on the public road, on their way from the salt works with salt for their families; the former was killed and the latter badly wounded with three balls.—Robert M'Rory was killed in pursuit of the Indians who scalped Mrs. Gear.—Stephen Jones, was killed on the southern frontier of Jefferson county.—William Scott, John and James Pettigrew, Messrs. Tate and Young, and another man, three women and three children, were killed on the Tennessee, on board a boat bound for the Natchez, and 22 negroes taken prisoners.

July 3d. Isaac Mayfield was killed within four miles of Nashville.

July 24th. John Ish was killed and scalped in his field, 13 miles below Knoxville, on the south bank of Holston.

July 9th. Major Winchester was killed and scalped on the public road leading from his own house to Sumner court-house; he was a justice of the peace and on his way to court.

August 13th. They killed on the Cumberland road near the Crab Orchard, Paul Cunningham, Daniel Hitchcock, William Flannagan and Stephen Renfro, and wounded Abraham Bird.

14th. William Blackburn, one of the federal soldiers, and David F. Dearmond, of the militia on duty, were fired upon by about 15 Indians, the former was killed and the latter wounded slightly, near fort Grainger, 22 miles from Knoxville.

20th. A party of Indians attacked the Bull-Run block-house, 16 miles from Knoxville and were repulsed.

Allen Nolen, a lad of about 12 years of age, was killed 4 miles from

Nashville, on the plantation on which his father had been killed 6 years before.

24th. Robert Brigrance was killed on a public road near Sumner court-house.

Gabriel Simson was killed within 6 miles of Nashville, in the early part of July, on the plantation on which his father was killed.

September 6th. A negro woman taken prisoner, the property of Peter Turney, near Bledsoe's lick.

RECAPITULATION.

| | | | | | | | | | | |
|-----------|---|---|---|---|---|---|---|---|---|----|
| Killed, | - | - | - | - | - | - | - | - | - | 67 |
| Wounded, | - | - | - | - | - | - | - | - | - | 10 |
| Captives, | - | - | - | - | - | - | - | - | - | 25 |

Horses stolen 374, at 50 dollars each, 18700 dollars.

Received from the House of Representatives a bill establishing a treasury department, endorsed, 'read the first time and passed;' which being read was passed the first time and returned.

Adjourned till to-morrow, 9 o'clock, A.M.

FRIDAY, SEPTEMBER 19, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and the dividing line between the counties of Hawkins and Knox; and a bill to establish the county of Blount, each endorsed, 'read the second time and passed.'

Ordered, that these bills be read, which being read the former was passed the second time and returned, and the latter was, on motion rejected.

Adjourned until to-morrow, 9 o'clock, A.M.

SATURDAY, SEPTEMBER 20, 1794.

Received from the House of Representatives a bill for appointing commissioners in the district of Washington—and a bill establishing a Treasury Department, each endorsed, 'read the second time, amended and passed.'

Ordered, that these bills be read, which being read the former was passed the third, and the latter the second time and returned.

Also a declaratory bill respecting the laws of North Carolina, endorsed, read the second time and passed—a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and between Hawkins and Knox, endorsed, read the third time and passed.

Ordered, that these bills be read, which being read the former was passed the second time and returned, and the latter the third time and ordered to be engrossed.

Also, a bill to amend an act for establishing a militia in the state of North Carolina, endorsed, read the second time and passed.

Ordered, That this bill be read; which being read, was passed the second time and returned.

Mr. Sevier, who had leave to withdraw for amendment, the bill to admit attorneys at law to practice and plead in the superior and county courts, presented the same with the amendments, which being read, was passed the third time and sent to the House of Representatives.

Adjourned till Monday 9 o'clock, A.M.

MONDAY, SEPTEMBER 22, 1794.

Met according to adjournment.

Mr. Sevier, who had leave to withdraw for amendment, the bill to establish courts of law, and for regulating the proceedings therein, presented the same, with the amendments, which being read was passed the third time, and sent to the House of Representatives.

Adjourned until to-morrow 9 o'clock, A.M.

TUESDAY, SEPTEMBER 23, 1794.

Met according to adjournment.

Received from the House of Representatives a message accompanying the estimate for the pay of the members of the general assembly, their clerks, &c. with which this house does not concur.

Sent to the House of Representatives the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council cannot agree to the estimate by you made for the payment of the members of the general assembly, their clerks and door-keepers: But in lieu thereof propose the following:

| | |
|---|------|
| For each member per day, | 2 50 |
| For each clerk, do. | 2 50 |
| For each clerk for stationary, | 25 |
| For each door-keeper, per day, | 1 75 |
| Each member, clerk, and door keeper to be allowed for } ferriages. | } |
| Every 25 miles riding to and from the assembly, | 2 50 |

The Council propose that the estimate be made up to Saturday next inclusive.

Received from the House of Representatives a bill to enable sheriffs of counties to sell certain property suggested to be held by fraudulent conveyances, endorsed, 'read the first time, passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Mr. Sevier moved for leave and presented a bill for establishing Knoxville on the north bank of the Holston, which was read the first time, passed, and sent to the House of Representatives.

On motion, the following resolutions were entered into, and sent to the House of Representatives for concurrence:

Resolved, That it is the sense of this General Assembly, that two or more of the Judges, in discharge of their duty, should attend each and

every of the Supreme Courts of Law and Equity, if practicable, any law authorising one Judge, in the absence of the others, to hold the same notwithstanding.

Resolved, That the clerks of the Council and House of Representatives be directed to cause to be delivered to each of the Judges of the Supreme Court of Law and Equity, an authenticated copy of the above, and of this resolution.

Received from the House of Representatives the following message :

Mr. President and Gentlemen of the Council,

This house concurs with your message with respect to the estimate by you proposed, for the payment of the members of the general assembly, their clerks, and door keepers ; and also for the estimate to be made up to Saturday next inclusive.

Received from the House of Representatives the resolution respecting the judges of the superior courts, endorsed, 'concurred with.'

Received also a bill to enable sheriffs to sell certain property suggested to be held by fraudulent conveyances, endorsed, 'read the second time and passed.'

On motion, ordered, that the rule be dispensed with, and that this bill be read, which being read the second time, was rejected.

Received also, a bill establishing a treasury department, endorsed, read the third time and passed.

Ordered, That this bill be read ; which being read, was passed the third time and ordered to be engrossed.

Mr. Donelson moved for leave and presented a bill appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, &c., which was read the first time and passed.

WEDNESDAY, SEPTEMBER 24, 1794.

Received from the House of Representatives bill to establish Knoxville on the north bank of the Holston, &c., endorsed 'read the first time and passed.'

Ordered, That these bills be read ; which being read, were passed the second time and returned.

Also, a bill to repeal so much of the act entitled an act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c., as lays a tax on marriage licenses, and a bill for appointing commissioners in the county of Jefferson for the purpose of erecting a court house, prison and stocks, &c., each endorsed 'read the first time and passed.'

Ordered, That these bills be read ; which being read, the former was passed the first, and the latter the second time and returned.

Received also the following resolution :

Resolved, That James White, esquire, the representative of this Territory in Congress, be instructed to take an early opportunity of exhibiting to the President of Congress the additional list of one hundred and five of our fellow citizens, who have suffered by the Creeks and Cherokees since our memorial to Congress in the spring, in addition to the former innume-

rable and cruel acts of hostility with which this Territory has been insulted by those Indians; and to assure his Excellency that if the people of this Territory have borne with outrages which stretch human patience to its utmost, it has been through our veneration for the head of the federal government, and through the hopes we entertain, that his influence will finally extend to procure for this injured part of the Union, that justice which nothing but retaliating on an unrelenting enemy can afford.

Adjourned till to-morrow, 9 o'clock, A. M.

THURSDAY, SEPTEMBER 25, 1794.

Met pursuant to adjournment.

Received from the House of Representatives a bill for establishing Knoxville on the north bank of the Holston, &c., endorsed 'read the second time and passed.'

Ordered, That this bill be read; which being read, was passed the third time and returned.

Mr. Sevier moved for leave and presented a bill appointing a public printer, which was read the first time and passed.

Received from the House of Representatives a bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a courthouse, prison and stocks, endorsed 'read the second time and passed.'

Ordered, That this bill be read; which being read, was passed the third time and returned.

Adjourned until to-morrow, 9 o'clock, A.M.

FRIDAY, SEPTEMBER 26, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill for appointing a public printer—a bill empowering the several county courts in this Territory to lay a tax annually, &c., and a bill for ascertaining the fees for attorneys at law in this Territory, each endorsed 'read the first time and passed.'

Ordered, that these bills be read, which being read, the first was passed the second time, and the two last the first time and returned.

Received also, a bill to repeal so much of the act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c., as lays a tax on marriage licenses, endorsed 'read the second time and passed.'

Received also, a resolution of this House for adding the names of the persons killed and wounded since the date of the memorial of this assembly of the 15th instant, to the list contained in said memorial, endorsed 'read and concurred with.'

Received also, a bill for the collecting, payment of, and accounting for the public taxes—a bill for appointing a public printer, each endorsed 'read a second time and passed.'

Ordered, that these bills be read, which being read, were amended, passed the third time and returned.

Received also, a bill for ascertaining the fees of attorneys at law in this

Territory—and a bill empowering the several county courts to lay a tax annually, &c., each endorsed 'read the second time and passed.'

Ordered, that these bills be read, which being read, the former was, on motion, rejected; and the latter passed the second time and returned.

Mr. Donelson moved for leave and presented a bill to repeal an act of the Governor and Judges, passed November 20, 1792, entitled an act authorizing the courts of the several counties to lay a tax for repairing or building of court houses, &c., which was read the first time and passed.

Ordered, that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen of the House of Representatives,

We propose that the clerks be allowed for drawing and engrossing bills the sum of three dollars and thirty three and a third cents, except for the court bill, for which we propose allowing fifteen dollars, with which we request your concurrence.

Adjourned till to-morrow 7 o'clock, A. M.

SATURDAY, SEPTEMBER 27, 1794.

Met according to adjournment.

Received from the House of Representatives a bill to repeal so much of the act, entitled an act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c., as lays a tax on marriage licenses, endorsed 'read the third time and passed.'

Ordered, that this bill be read; which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives the following message:

Mr. President and Gentlemen of the Council,

The House of Representatives do not concur with your message with respect to paying the clerks for drawing and engrossing bills; but propose that they be allowed two dollars and fifty cents for drawing and engrossing each bill, except the court bill, for which they shall receive twelve dollars.

Received also, a bill to amend an act establishing a militia in the state of North Carolina, &c., endorsed 'read the second time, amended and passed.'—And a bill to repeal an act of the Governor and Judges, passed November 20, 1792, entitled an act authorising the courts of the several counties to lay a tax for building or repairing of court houses, prisons and stocks, &c., endorsed 'read the first time and passed.'

Ordered, that these bills be read, which being read, the former was, on motion, rejected, and the latter passed the second time and returned.

Mr. Sevier moved for leave and presented a bill declaring the county of Sevier a part of the district of Hamilton, &c., which was read the first time and passed.

Received from the House of Representatives a resolution for applying two hundred pounds of the money arising upon the sales of the salt licks in Mero district. Also, an address to his Excellency Governor Blount, requesting a guard for the members of the assembly from Mero district, and the families moving there.

Read and concurred with.

Received also, a bill to repeal an act of the Governor and Judges, passed Nov. 20, 1792, entitled, an act to authorize the courts of the several counties to lay a tax for repairing or building of court-houses, prisons and stocks, &c., and a bill declaring the county of Sevier a part of the district of Hamilton, &c., endorsed 'read the first time and passed.'

Ordered, That these bills be read; which being read, the former was passed the second, and the latter the third time and returned.

Received from the Governor the following message in answer to an address this day presented him.

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives :

The guard you request for the members of Mero district returning home, and the families moving to that district, will be ordered as you request, and will be in readiness early on Monday.

WM. BLOUNT.

Received from the House of Representatives, a bill empowering the several county courts to levy a tax, &c., endorsed 'read the third time and passed.'

Ordered, That this bill be read; which being read, was passed the third time and ordered to be engrossed.

On motion, the bill ascertaining what property in this Territory shall be deemed taxable property, &c., was read and amended.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen :

The Council, upon reading for the third and last time the bill ascertaining what property in this Territory shall be deemed taxable property, &c., have amended the same in the following manner, which if agreed to on your part, you will please send two of your members to see the alterations made.

Sect. 1. We have reinstated the clause for taxing all free males and male servants between the age of twenty one and fifty years. In the same section we have reinstated the word "ten" in the clause taxing slaves; and have struck out the clause taxing stud horses.

Sect. 2. Instead of twenty-five cents per hundred acres for land, we have set one-eighth of a dollar. In the same section, on each and every taxable negro poll fifty cents, instead of twenty-five cents; and on all taxable white polls twenty-five cents. On all town lots one dollar instead of fifty cents.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council :

The House of Representatives agree with the Council to amend the clause in the first section, by reinstating the word "ten" in the clause taxing slaves; and in the second section, on each and every taxable negro poll, fifty cents in lieu of twenty five cents; and on all town lots, one dollar instead of fifty cents—But do not concur with the amendment, section first, in striking out the clause taxing stud horses; and which reinstates the clause for taxing all free males and male servants between the age of twenty one and fifty years; and in section second, for setting one eighth

of a dollar instead of twenty five cents per hundred acres for land ; and on all taxable white polls twenty five cents. This house cannot agree to pass the bill except such clauses as they object to are reinstated by the Council.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council inform you, that they cannot agree to your proposition respecting the tax bill, wherein you wish to have the clause taxing white polls struck out, as they are of opinion a tax cannot with so much ease and convenience be collected any other way ; the method you propose being involved in uncertainty, and we fear will not be sufficiently productive. Further, we have to observe that it is incumbent on the assembly, and highly necessary to have a tax speedily collected, the want of which may produce consequences not easy to be surmounted, and very difficult to reconcile to the credit of our infant government. The Council agree to the tax proposed to be laid on stud horses ; but cannot agree to any other alteration in the bill.

Received from the House of Representatives the following message :

Mr. President and Gentlemen,

The House of Representatives cannot agree to your message respecting the tax bill ; but propose that there be a tax of twenty-five cents on each hundred acres of land, and twelve and an half cents on each and every white poll. They agree to your proposition in the tax of four dollars on each stud horse.

Which being read, the following message was ordered to be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition respecting the tax bill, except that part which lays a tax of twenty five cents per hundred on land ; but propose that the tax on each hundred acres of land be twelve and an half cents, as it now stands in the bill.

Received from the House of Representatives the following message :

Mr. President and Gentlemen of the Council,

The House of Representatives cannot agree to your proposition respecting the tax bill, nor rescind in any degree from their former proposition of this day.

Which being read, on motion, the following message was returned :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council, upon mature consideration, after having made an estimate of the different objects of taxation, which they herewith send you, still adhere to their proposition in taxing land at one eighth of a dollar per hundred acres. They hope the House of Representatives, upon re-considering the subject, will agree to this proposition, as it is not the wish of the Council to draw more out of the pockets of their constituents, than will be necessary for the support of government.

It will be worthy the notice of the House of Representatives, that the tax on law proceedings has not heretofore been included in any estimate ;

and that there will be a contingent fund, arising from fines and forfeitures, not even included in this estimate.

| | Dollars. |
|--|----------|
| 10,000 white polls at one eighth of a dollar - - | 1,250 |
| 1,100 black ditto, at 50 cents - - | 550 |
| 100 stud horses, at 4 dollars - - | 400 |
| 200 town lots, at 1 ditto - - | 200 |
| Taxes on law proceedings, grants, deeds, &c. - | 750 |
| 1,000,000 acres of land, at one eighth of a dollar - | 1,250 |
| | <hr/> |
| Total, | 4,400 |

A message from the House of Representatives :

Mr. President and Gentlemen of the Council,

The House of Representatives do not concur with your message respecting the tax bill; and further add, that they cannot rescind from their former proposal of twenty five cents per hundred acres for land.

Adjourned till Monday 7 o'clock, A.M.

MONDAY, SEPTEMBER 29, 1794.

Met according to adjournment.

Received from the House of Representatives, a bill declaring the county of Sevier a part of the district of Hamilton, &c., endorsed 'read the second time, amended and passed'—which being read, was passed the third time and returned.

Received also the following resolutions :

Resolved, That where any clerk of a court, or other officer, has received the paper currency of North Carolina in payment of fines or other public dues, and shall pay the same into the hands of the treasurer, the said treasurer shall issue such paper currency at the rate of ten shillings to the dollar, upon all orders from the general assembly of this Territory, where the person or persons in possession of such order or orders are willing to receive the same.

Resolved, that James White, esquire, the delegate from this Territory to Congress, is hereby requested to use his endeavor that the pay-master or his deputy attend in the district of Mero, for the purpose of paying the militia of said district.

Which being read were rejected.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council propose to amend the tax bill as follows, to wit—That there be a tax of twenty five cents on each taxable poll, and eighteen cents on every hundred acres of land. If the House of Representatives will agree to this proposal, they will please send two of their members to see the bill amended conformably thereto.

A message from the House of Representatives :

Mr. President and Gentlemen of the Council:

The House of Representatives concur with your proposition of laying

a tax of twenty five cents on each taxable poll ; but cannot agree to your proposition with respect to the land tax, and propose that there be a tax of twenty five cents per hundred, as it stood in the bill when it went from this house.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council accede to your proposition in taxing land at twenty five cents per hundred acres ; you will therefore send two of your members to see the amendments made accordingly.

Resolved, that George Rouletone be allowed twenty two dollars and fifty cents for drawing and engrossing nine bills.

Resolved, that William Maclin be allowed twenty two dollars and fifty cents, for drawing and engrossing nine bills.

Sent for concurrence.

Resolved, that fourteen of the principal artists belonging to any furnace for the manufactory of iron in this Territory be exempted from military duty, who shall not be called into service in case of insurrection or invasion unless his Excellency the Governor shall deem their services necessary.

Resolved also, that not more than four of the principal artists at any bloomery in this Territory, be exempted from military duty, who shall not be called out in case of insurrection and invasion, unless their services shall be deemed necessary by his Excellency the Governor.—Sent for concurrence.

Received from the House of Representatives the following resolution :

Resolved, that the Governor of this territory be requested to direct, that when the census is taken next June, the sense of the people may at the same time be enquired into, how far it may be their wish for admission into the union as a state.

Concurred with.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, SEPTEMBER 30, 1794.

Met according to adjournment.

On motion, the following resolutions were entered into :

Resolved, that the Cavalry of Hamilton district be organized and formed into a separate and distinct regiment of Cavalry, and that the same shall enjoy all the privileges and immunities that the other regiments of Cavalry in this Territory enjoy.

Resolved, that the clerks of the two houses furnish ten copies of the tax law, in order that they may be distributed one to each county in this Territory.

Resolved, that John Stone be allowed ten dollars for the use of the house now occupied by the Legislative Council.

Sent for concurrence.

Received from the House of Representatives the following resolutions :

Resolved, that James White be allowed five dollars for the use of the court house during the session of the assembly.

Resolved, that John Chisholm be allowed the sum of two dollars for his monies expended for the public service of this Territory, during the recess of the assembly.

Read and concurred with.

Received also, the following resolution :

Resolved, that the thanks of this general assembly be presented to Governor Blount, for the application of his abilities and attention in forwarding their business as Representatives; more especially in compiling and arranging the system of court law. And that there appears to be no more business before this assembly, his Excellency be requested to prorogue the same to the first Monday in October, 1794.

Received from the House of Representatives, a resolution in favour of the engrossing clerks, endorsed 'concurred with.'

Ordered, that the estimate of the pay of the members of the Legislative Council, their clerks and doorkeepers, be entered on the journal.

An estimate of the pay of the members of the Legislative Council, their clerks and doorkeepers, for their attendance at the General Assembly began and held at Knoxville, on Monday the 25th day of August, and ending September 30, 1794—also mileage and ferriage, allowing two dollars and fifty cents for every twenty-five miles travelling to and from the same.

| | | | | Dolls. | Cents. |
|---|----------|------------|------------|----------|------------|
| Griffith Rutherford, | 37 days, | 322 miles. | 4 ferries. | 125 | 70 |
| John Sevier, | 37 do. | 200 do. | 2 do. | 112 | 16 2-3 |
| Stockley Donelson, | 37 do. | 130 do. | 4 do. | 105 | 83 1-3 |
| James Winchester, | 15 do. | 312 do. | 4 do. | 69 | 70 |
| Parmenas Taylor, | 37 do. | 102 do. | 2 do. | 102 | 86 2-3 |
| G. Roulstone, clerk, | 37 do. | | | 92 | 50 |
| Ditto for stationary } and engrossing. } | | | | 47 | 50 |
| Wm. Maclin, clerk, | 37 do. | 380 do. | 4 do. | 131 | 50 |
| Ditto for stationary } and engrossing. } | | | | 47 | 50 |
| C. Shoat, doorkeeper, | 37 do. | | | 64 | 75 |
| Tho. Bounds, do. | 34 do. | 12 do. | | 60 | 70 |
| John Stone, for house rent, | | | | 10 | |
| | | | | Dollars, | 970 71 2-3 |

Received from his Excellency Governor Blount the following message :

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives :

While your vote of thanks of this day affords a proof of your liberality, it offers me the highest reward for such attention as I have had in my power to pay the court and other laws. I should feel myself wanting to the Council and House of Representatives, were I not to acknowledge, that the laws which have been offered for my assent, have been such as

are essential to the promotion of the public happiness, and that no law of importance at this time is omitted.

Herewith you will receive the prorogation to the day as by you requested.

WM. BLOUNT.

Knoxville, September 30, 1794.

WILLIAM BLOUNT, *Governor in and over the Territory of the United States of America south of the river Ohio.*

*To the President and Gentlemen of the Legislative Council—and
The Speaker and Gentlemen of the House of Representatives :*

The session of the General Assembly is prorogued until the first Monday in the month of October, one thousand seven hundred and ninety five, then to commence at this place.

Given under my hand at Knoxville, September 30th, 1794.

WM. BLOUNT:

By the Governor,
DANIEL SMITH.

The business of the session being finished, it was unanimously resolved, that the thanks of this House be given to Honorable Griffith Rutherford, for his attention and able services as President of Legislative Council.

Resolved, that the Honorable President sign the journal of the Council as the proceedings thereof, and that the clerk attest the same.

GRIFFITH RUTHERFORD, P. L. C.

By order,
GEORGE ROULSTONE, C. L. C.



JOURNAL
OF THE
PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES
OF THE
TERRITORY OF THE UNITED STATES OF
AMERICA, SOUTH OF THE RIVER OHIO;
BEGUN AND HELD
AT KNOXVILLE, THE 25TH DAY OF AUGUST, 1794.

KNOXVILLE:
PRINTED BY GEORGE ROULSTONE, PRINTER TO THE TERRITORY, 1794.

NASHVILLE:
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1852.

ORDERED TO BE RE-PRINTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE, OF 1851-'2.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY the twenty-fifth day of August, 1794, being the day appointed for the meeting of the Representatives of the People of this Territory, the following members appeared and took their seats, viz. David Wilson, James White, James Ford, William Cocke, Joseph M'Min, George Rutledge, Joseph Hardin, George Doherty, Samuel Wear, Alexr. Kelly, and John Beaird.

The session commenced by a suitable and well adapted prayer by the Reverend Mr. Carrick.

On motion of Mr. Hardin, seconded by Mr. Doherty, ordered, that the following message be sent to his Excellency William Blount, Esquire,

SIR,

The House of Representatives are now met agreeable to your prorogation, and ready to proceed to business.

Ordered, that Messrs. Hardin and Wear wait on his Excellency with the above message.

The House adjourned until 10 o'clock to-morrow.

TUESDAY, AUGUST 26.

The House met according to adjournment.

Mr. Tipton appeared and took his seat.

On motion of Mr. White, seconded by Mr. Beaird, ordered, that the following rules of decorum be observed by the members of this house during the session, viz.

1st. When the Speaker is in the chair, every member may sit in his place with his head covered,

2d. That every member shall come into the house uncovered and shall continue so at all times, but when he sits in his place.

3d. No member, in coming into the house, or removing from his place, shall pass between the Speaker and a member speaking, nor shall any member go across the house, or from one part thereof to the other whilst another was speaking.

4th. When any member stands to speak, he shall stand in his place uncovered, and address himself to the Speaker; but shall not proceed to speak until permitted so to do by the Speaker, which permission shall be signified by naming the member.

5th. When any member is speaking, no other shall stand or interrupt him; but when he is done speaking, and taken his seat, any other member may rise, observing the rules.

6th. When the Speaker desires to address himself to the house he shall rise, and be heard without interruption; and the member then speaking shall take his seat.

7th. If more than one member attempt to speak at any time, the Speaker shall determine who was up first.

8th. When any motion shall be before the house and not perfectly understood, the Speaker may explain, but shall not attempt to sway the house by argument or debate.

9th. He that digresseth from the subject, to fall on the person of any member, shall be suppressed by the Speaker.

10th. Exceptions taken to offensive words, to be taken the same day they shall be spoken, and before the member who spoke them shall go out of the house.

11th. Whatever is spoken in the house, may be subject to the censure of the house.

12th. Whenever any matter is in debate before the house, it shall be determined or postponed before any new business shall be introduced.

13th. No member shall speak more than twice without leave, in the same question, unless it be in a committee of the whole house.

14th. No question shall be put on any motion, unless seconded.

15th. Every member making any motion, which is not of course, shall before making such motion, reduce the same to writing.

16th. If there shall be an equality of votes for and against any question, the Speaker shall declare whether he be a yea or nay; but shall in no other case give his vote.

17th. No member shall depart the service of the house without leave.

18th. Upon adjournment, no member shall presume to move until the Speaker arises and goes before.

On motion of Mr. Cocke, seconded by Mr. Doherty, ordered, that the following message be sent to the Council.

Mr. President and Gentlemen of the Council :

This House is now formed and ready to proceed on the public business, and wish to know if you are met and prepared to receive communications from the House of Representatives.

On motion of Mr. Cocke, seconded by Mr. Doherty, a committee was appointed to consider and report as soon as possible, what bills of a public and general nature, are necessary to be passed into laws the present as-

sembly ; and that Messrs. Cocke, Hardin, Wear, White and Doherty be appointed a committee for that purpose.

On motion of Mr. Wear, seconded by Mr. White, Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

We propose that a joint committee of both houses be appointed to report, as soon as possible, what bills of a public and general nature are necessary to be passed into laws by the present assembly: We appoint on our part for this purpose, Mr. White, Mr. Cocke, Mr. Hardin, Mr. Wear, and Mr. Doherty, to act with such gentlemen as you shall appoint on your part.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have appointed Gen. Sevier to act with such member or members as you may appoint, as a committee, to report the rules necessary to be observed in doing business between the Council and House of Representatives.

On motion of Mr. White, seconded by Mr. Beaird, ordered, that the following message be sent to the Council,

Mr. President and Gentlemen of the Council,

We concur with your message, and appoint on our part Mr. White, and Mr. Rutledge, to confer with Mr. Sevier, what rules are necessary to be observed in doing business between the Council and House of Representatives.

On motion of Mr. White, seconded by Mr. Wear, ordered, that an additional clerk be appointed to this house.

The following gentlemen were put in nomination, viz, Mr. Thomas Williams, and Mr. Baldwin Harle.

On motion of Mr. Cocke, seconded by Mr. Doherty, ordered, that the assistant clerk be ballotted for to-morrow.

The house adjourned until 9 o'clock to-morrow.

WEDNESDAY, AUGUST 27, 1794.

The house met according to adjournment.

Mr. Leeroy Taylor appeared and took his seat.

On motion of Mr. Kelly, seconded by Mr. Hardin, ordered, that Mr. Kelly and Mr. Beaird, have leave of absence to go on a scout against the Indians.

On motion of Mr. White, seconded by Mr. Wear, ordered, that Mr. Hardin and Doherty superintend the balloting for assistant clerk.

The house proceeded to ballot for assistant clerk, when Baldwin Harle appeared to have a majority of votes, and was qualified accordingly.

The committee appointed to confer with General Sevier, the rules necessary to be observed in doing business between the Council and house of Representatives.

Report,—That it is proper for this house to send any message by a member of this house to the Council, or the clerk, to be delivered to the Presi-

dent of the Council or the Chairman.—That when a bill is to be sent to the Council, it shall be taken by two of the Representatives, to be delivered in the same manner.—That no bill shall be rejected or debated on the first reading.—That no bill being once rejected shall be again taken up the same session.

The house taking this report into consideration concurred therewith.

Received from the Council the following messages :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have concurred with the rules proposed by the joint committee of the Council and House of Representatives.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition in appointing a joint committee, to report what bills of a public and general nature are necessary to be passed into a laws the present session, and join on our part Gen. Sevier and Col. Winchester.

The house adjourned until 9 o'clock to-morrow.

THURSDAY, AUGUST 28, 1794.

The house met according to adjournment.

Mr. Hardin, from the committee appointed to report what laws of a public and general nature are necessary to be passed this session, delivered the following report :

An act to regulate the militia of this Territory.

An act to establish the judicial courts, and to regulate the proceedings thereof.

An act making provision for the poor.

An act to enable executors and administrators to make rights for lands due upon bonds of persons deceased.

An act declaring what property is to be taxable, and the mode of collecting the tax thereon.

An act to levy a tax for the support of government for the year 1794.

An act to provide for the relief of such of the militia as have been wounded by the Indians in the late invasions.

JOSEPH HARDIN, Chairman.

The house concurred therewith, and appointed a committee to draw the several bills.

Received from the Council the following bills :

A bill for the relief of persons who have suffered, or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law.

And a bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia of this Territory, and providing for the widows and orphans of such as have died, endorsed, 'Read the first time and passed.'

Ordered, that these bills be read ; which being read, were passed the first time and returned.

Mr. White moved for leave and presented a bill to establish the toll of certain mills, which was read the first time, passed, and sent to the Council.

On motion of Mr. Hardin, seconded by Mr. Doherty, ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council :

The House of Representatives have received the report of the committee appointed to report what bills of a public and general nature are necessary to be passed into laws the present session, and have concurred therewith : And in order that the bills may be drawn and brought forward, on the part of this house Mr. Wear, Mr. Taylor, and Mr. Doherty are appointed a committee to draw a bill to regulate the militia of this Territory.

Mr. White and Mr. Cocke, a committee to draw a bill to establish the judicial courts, and to regulate the proceedings thereof.

Mr. Hardin and Mr. Tipton, a committee to draw a bill making provision for the poor.

Mr. Rutledge and Mr. M'Min, a committee to draw a bill to levy a tax for the year 1794.

Mr. Hardin and Mr. Ford, a committee to draw a bill declaring what property shall be taxable, and the mode of collecting the tax thereon.

Mr. Doherty and Mr. Wear to draw a bill for the relief of such of the militia as have been wounded by the Indians in the late invasions. To act with such gentlemen as you may appoint on your part.

The house adjourned until 10 o'clock to-morrow.

FRIDAY, AUGUST 29, 1794.

The house met according to adjournment.

Mr. White presented the petition of James Russell, which was referred to Messrs. Tipton, Hardin, White, Cocke, and Taylor, who are appointed a committee of propositions and grievances.

Ordered, That the following message be sent to the Council,

Mr. President and Gentlemen of the Council :

This house having taken the petition of James Russell into consideration, propose, that a joint and standing committee of propositions and grievances be appointed ; and appoint on our part Messrs. Tipton, Hardin, White, Cocke, and Taylor, to act in conjunction with such gentlemen as you may appoint on your part.

Received from the Council a bill to establish the toll of certain mills, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read ; on motion of Mr. White, it was withdrawn for amendment.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

We concur with your proposition for appointing committees to draw the bills that are of a public nature ; and on our part have appointed Gen. Sevier to the court bill, and Col. Winchester for the militia bill.

Mr. Doherty presented the petition of Henry Willis, which was read and referred to the committee of propositions and grievances.

Received from the Council the petition of the people called Quakers ; endorsed, referred to the committee on the militia bill.

Mr. Tipton presented the petition of sundry of the inhabitants of Washington county, praying relief from indictments against them for a certain trespass, which being read was referred to the committee of propositions and grievances.

Mr. White presented the petition of sundry of the inhabitants of the district of Mero, praying leave to raise a sum of money by lottery for the purpose of building a goal in said district, which being read was referred as above.

Received from the Council the following messages,

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition of appointing a joint and standing committee of propositions and grievances, and on their part appoint Col. Winchester.

Mr. Speaker and Gentlemen of the House of Representatives :

We propose that a committee be appointed for the purpose of drawing up a tax bill, and to report what sum of money is necessary to be raised for the support of the civil list for the year 1794, and for that purpose appoint Col. Donelson on our part.

Received also, a bill to admit attorneys at law to practice and plead the superior and county courts within the Territory, South of the river Ohio ; endorsed, read the first time, and passed.

On motion of Mr. White and seconded by Mr. Tipton, ordered, that the following message be sent to the Council in answer to one received from them to day.

Mr. President and Gentlemen of the Council,

The House of Representatives agree to your proposition of appointing a committee for the purpose of drawing up a tax bill, and appoint on our part Messrs. White and Cocke.

Mr. White moved for leave, and presented a bill to establish a University in Greene county, read for the first time, passed and sent to the Council.

Also, a bill directing the mode of authenticating powers of attorney and obligations, for the conveyance of land in certain cases, and authorising executors and administrators to make conveyances, which was read for the first time, passed and sent to the Council.

Mr. Doherty presented a petition from the inhabitants south of French Broad river, setting forth their right of occupancy to their lands, and praying that their case may be laid before Congress, which being read, was referred to the committee of propositions and grievances.

The house adjourned till 9 o'clock to-morrow.

SATURDAY, AUGUST 30, 1794.

The house met according to adjournment.

Mr. Tipton from the committee of propositions and grievances delivered the following report, that the petition of James Russell is reasonable, but will be provided for as your committee expect, by a bill now before the house: They further report, that it is the opinion of your committee, that Henry Willis complaining of an excessive fine in the superior court ought to be refered to the judges of that court. They also report, that a bill be brought in to answer the prayer of certain inhabitants of Mero district, for a plan of a lottery to raise money for building a district goal.

JOHN TIPTON, *Chairman.*

The house taking this report into consideration, concurred therewith.

Ordered, that the following message be sent to the Council:

Mr. President and Gentlemen of the Council,

We herewith send you the report of the committee of propositions and grievances with which this house concurs.

Ordered, That the following message be sent to the Council:

Mr. Speaker and Gentlemen,

We propose that a joint committee be appointed to draw up in general fee-bill, and for that purpose appoint on our part Messrs. White Doherty, Hardin, Rutledge, and Cocke, to act with such gentlemen as you may appoint.

Received from the Council the following bills:

A bill for the relief of such persons as have suffered, or may suffer, by their grants, deeds, and mesne conveyances not being proved and registered within the time heretofore appointed by law, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read, was amended, passed the second time and returned.

A bill to establish a University in Greene county, in the Territory South of the river Ohio, endorsed, read a second time and passed.

Ordered, that the bill be read, which being read, was amended, passed a second time and returned.

Mr. White presented the memorial of Mr. Joshua Hadley, praying that the officers of Evans's battalion be paid for their services performed by them in Davidson county, which was read and refered to the committee of propositions and grievances, and sent to the Council.

Received from the Council a bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring assistance for themselves, &c. endorsed, read a second time and passed.

Ordered, that this bill be read, which being read, was passed a second time and sent to the Council;

Also, a bill to admit attornies at law to prctise, &c. endorsed, read a second time and passed. *Ordered* to be read, which being read was amended, passed a second time and returned.

Also, a bill directing the mode of authenticating powers of attorney, &c. endorsed, read the first time and passed. *Ordered*, to be read, which being read, was amended, passed the second time and returned.

Mr. White who had leave to withdraw for amendment the bill for establishing the toll of certain mills, delivered the same with the amendment, endorsed, read the first time, which being read a second time, was passed and sent to the Council.

Mr. Rutledge presented the petition of William Evans, praying redress for a negro hanged under the authority of the state of Franklin, which was read and referred to the committee of propositions and grievances, and sent to the Council.

The house adjourned till Monday 7 o'clock.

MONDAY, SEPTEMBER 1, 1794.

The house met according to adjournment.

Mr. Cocke moved for leave and presented a bill to alter the time of holding courts of law and equity in this Territory, which was ordered to be read, which being read, passed for the first time and sent to the Council.

On motion, ordered, that a committee be appointed to confer with the Governor what shall be the enacting stile of the laws to passed; and that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

We propose that a committee be appointed to confer with the Governor what shall be the enacting stile to our laws, for which purpose, we appoint Messrs. White, Wear, Hardin, and Cocke, to act with such gentlemen as you may appoint.

Received from the Council the following messages :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition in appointing a committee to confer with the Governor, concerning the enacting stile of the laws to be passed, and on their part appoint Mr. Sevier.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not agree to your amendment to the bill for the relief of such persons who have suffered or may suffer by their grants, deeds, mesne, conveyances, not being proved, &c.

Mr. Tipton from the committee of propositions and grievances, to whom was refered the memorial of Joshua Hadley, surviving officer of Evans's battalion.

Report, That the said battalion was raised on the faith of the state of North Carolina as appears by their act of 1786, and was destined for the protection of their then frontiers (Mero District). That the soldiers thereof did their duty faithfully, and in discharging the same, many of them lost their lives, but have received no part of their pecuniary pay.

Your committee further report, That it would be dishonorable and iniquitous for the government of this Territory not to pay these troops, had its public faith been pledged for that purpose, nor could the failure of any particular fund have in that case been with propriety alledged as a pretext to evade the debt.

Your committee are forced to call to remembrance that this Territory has never been protected in a state of peace and security, without which

it was reasonable to expect from it finances equal to the payment of such troops, as the state of North Carolina might think proper to enlist : besides that the inhabitants of this country contributed equally with said battalion to afford security and peace to the interior parts of North Carolina.

Your committee also remark, that the most natural fund for the payment of the soldiers aforesaid would have been derived from the vacant land which these soldiers helped to protect and secure, which fund has been disposed of for other purposes by the government who raised the battalion ; that as for any other fund established for this payment by the state of North Carolina, if such fund has not proved effectual, the default did not arise from any misconduct in this government, or in the citizens thereof, but either through the neglect of the officers in that state, or the deficiency might be fairly ascribable to this, that the lands on which the taxes ought to have been collected were chiefly in the hands of citizens of North Carolina, whose absence from the Territory enabled them to evade the taxes imposed on and paid by the people of this Territory.

Finally we are of opinion that the government is bound by no express contract with the said soldiers, so neither do we see any equitable circumstances which ought to induce this assembly to discharge a debt contracted by, and justly due from the state of North Carolina.

JOHN TIPTON, *Chairman.*

Read and concurred with and sent to the Council with the following message :

Mr. President and Gentlemen of the Council,

We herewith send you the report of the committee of propositions and grievances to whom was referred the memorial of Capt. Joshua Hadley, with which this house concurs.

On motion of Mr. Hadin and seconded by Mr. White, it is resolved that no bill after it has been read and passed shall be again read on the same day.

Mr. M'Min moved for leave and presented a bill, empowering the courts of counties within this Territory to erect a court house, prison, flocks, &c.

Ordered, to be read. On being read, passed the first time and sent to the Council.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with the report of the committee of conference with the Governor respecting the enacting stile of our laws, &c.

Also the report of the committee on the same subject, viz :

The committee appointed to meet in conference with the Governor and a committee of the Legislative Council, Report, That the stile to be observed in the titles of acts should be as follows, viz : Be it enacted by the Governor, Legislative Council, and House of Representatives.

They further report, That all bills be sent to the Governor after the second reading, for him to offer such amendments as he may think proper, and not again, until the bill is engrossed for his assent.

JOHN SEVIER, *Chairman.*

The house taking this report into consideration do not concur therewith.

The house adjourned until to-morrow 9 o'clock.

TUESDAY, SEPTEMBER 2, 1794.

The house met according to adjournment.

Mr. Beaird appeared and took his seat.

Received from the Council a bill to alter the time of holding courts, &c. endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was amended, passed the second time and returned.

Also, a bill for empowering the courts of each county within this Territory to erect a court-house, &c. endorsed, read, the first time and passed. *Ordered* to be read, which being read, was amended, passed the second time and returned.

Also, a bill for the relief of such persons who have suffered or may suffer by their grants, &c. not being registered, &c. endorsed, read the third time and passed without the amendments of the house of Representatives.

Ordered, that this bill be read, which being read, on motion, it was ordered, that the proviso in the latter end of the second section be struck out, and that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

This house upon reading for the third time, the bill for the relief of such persons who have suffered or may suffer by their grants, &c. not being registered, &c. cannot agree to pass the bill, without striking out the proviso, ' That nothing in this act contained shall be so construed as to admit to record or registration, or ratify any grant or grants heretofore made in Lord Granville's office ;' And if the Council agree to this amendment, they will send one of their members to see it made.

Received from the Council the following message :

The Council do not concur in striking out the proviso, in the bill for the relief of such persons who have suffered, or may suffer by their grants, &c. not be registered, &c. as by you proposed.

The Council propose that managers may be appointed on the disagreement, and on their part appoint Mr. Sevier.

Sent to the Council the following message :

Mr. President and Gentlemen of the Council,

This house agree to your proposition in appointing managers on the disagreement, in striking out the proviso in the bill, for the relief of such persons who have suffered or may suffer by their grants, &c. and on our part appoint Mr. Cocke and Mr. Rutledge, to act with Mr. Sevier.

The managers Report, That they agree that the clause in the bill stand as proposed by the Council, with which this house concurs, and ordered the bill to be engrossed.

On motion, it is ordered, that the following message be sent to the Council in answer to theirs of yesterday.

Mr. President and Gentlemen of the Council,

The house of Representatives do not concur with the report of the committee of conference with the Governor; but propose the enacting stile of the laws be, "The General Assembly of the Territory South of the river Ohio."

Received from the Council the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

In pursuance with your proposition, the Council appointed one of its members, to join such members as you had appointed for that purpose, to wait on his Excellency the Governor, and with him to confer what should be the enacting stile of our laws.

That committee reported, and with which report the Council concurred. Your message of this day informs them, that you do not concur with the report of that committee.

The Council still adhere to their concurrence with the first part of that report, for the following reasons: That the Ordinance of Congress expressly declares, 'That the General Assembly shall consist of the Governor, Legislative Council, and House of Representatives,' and that all laws shall be passed by the Governor, Legislative Council, and House of Representatives.

The house taking this message into consideration, rescind their non-concurrence to the whole of the report of the committee of conference with the Governor, and agree as proposed by the Council to the first part of the report of said committee; and that the following message be sent to the Council:

Mr. President and Gentlemen of the Council,

This house concurs with the first part of the report of the committee appointed to confer concerning the enacting stile of our laws.

Received from the Council a bill for the relief of such persons as have been rendered by wounds, &c. incapable of procuring subsistence, &c. endorsed, read the third time and passed.

Ordered, that this bill be read, which being read, was amended, and passed the third time; and the following message sent to the Council:

Mr. President and Gentlemen of the Council,

This house, on reading for the third time, the bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, &c. propose that those words, near the close of the first section, be deled, to wit: 'By the Speaker and President of both houses.' And that the following words be inserted in their place. 'By the Governor, President of the Council, and Speaker of the House of Representatives.'

Received from the Council the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with your amendment to the bill for the relief of such persons as have been disabled by wounds, &c.

Ordered, that this bill be engrossed.

On motion of Mr. Hardin and seconded by Mr. M'Min, resolved, that

the balloting for the delegate to Congress take place to-morrow at ten o'clock, and that the following message be sent to the Council.

Mr. President and Gentlemen of the Council:

We propose to ballot to-morrow at ten o'clock, at the court-house, for a delegate to Congress; and on our part appoint Messrs. Taylor and Doherty, to superintend the balloting.

Received from the Council a bill to establish a College in Greene county, &c. endorsed, read a second time and passed.

Ordered, that this bill be read, which being read was passed a third time and returned.

Received from the Council the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition to ballot at ten o'clock to-morrow for a delegate to Congress, and appoint on their part Mr. Taylor to superintend the balloting.

Mr. White moved for leave, and presented a bill to establish the jurisdiction of a single magistrate, &c. *Ordered*, that this bill be read, which being read, passed the first time and sent to the Council.

The house adjourned till 9 o'clock, to-morrow.

WEDNESDAY, SEPTEMBER 3, 1794.

The house met according to adjournment.

Mr. Kelly returned and took his seat.

The committee who was appointed to superintend the balloting for a member to represent this Territory in Congress, Report, that they have conducted the aforesaid election, and on taking the polls, it appears, that James White, Esq., is legally elected by a majority of both houses. All which is submitted.

PARMENAS TAYLOR,
GEORGE DOHERTY,
LEEROY TAYLOR.

The house taking this report into consideration, concurred therewith; and ordered that the following message be sent to the Council:

Mr. President and Gentlemen of the Council,

We herewith send you the report of the committee appointed to superintend the balloting for a member to represent this Territory in Congress, with which this house concurs.

On motion of Mr. Tipton, ordered, that Messrs. Kelly, Wear, & Doherty, be added to the committee of propositions and grievances.

Received from the Council a bill to establish the jurisdiction of a single justice of the peace, &c. endorsed, read, the first time and passed.

Ordered, that this bill be read, which being read, was amended, passed a second time and returned.

The house adjourned till 9 o'clock to-morrow.

THURSDAY, SEPTEMBER 4, 1794.

The house met according to adjournment.

Mr. Tipton from the committee of propositions and grievances delivered the following report :

Your committee to whom was refered the petition of William Evans, report, that this petition, praying for compensation for a negro, put to death under the jurisdiction of the state of Franklin, cannot be complied with.

On the petition of the inhabitants south of French Broad, your committee report, that the said inhabitants ought to have all the assistance in the power of this house to give towards securing them in their improvements. That as the disposal of the soil rests in Congress, it will be proper for this assembly to draw up a memorial to that body, stating the facts as may induce them to secure the said inhabitants in a right of pre-emption, and pray that an act of Congress may be passed for that purpose.

The house taking this report into consideration, concur therewith, and ordered that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

We herewith send you the report of the committee of propositions and grievances, with which this house concurs, and propose that a joint committee be appointed to draw up a memorial to Congress, agreeable to said report, and on our part appoint Messrs. White, Cocke, Doherty, Kelly, and Wear, for that purpose, to act with such gentlemen as you may appoint.

Received from the Council the following messages :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with your proposition in appointing a committee to draw up a memorial to Congress, on the petition of the people south of French Broad, and have appointed Mr. Sevier and Mr. Taylor, on their part, for that purpose.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council propose, that one member be appointed from the Council, and one from the House of Representatives, to examine engrossed bills, and present the same to his Excellency the Governor for his assent, and have appointed Mr. Winchester on their part for that purpose.

Ordered, That the following messages be sent to the Council,

Mr. President and Gentlemen of the Council :

The House of Representatives agree to your proposition, in appointing a member from each house, to examine engrossed bills, and present the same to his Excellency Governor Blount for his assent, and on our part appoint Mr. White, to act with Mr. Winchester.

Mr. President and Gentlemen of the Council,

We propose that a joint committee be appointed to make an estimate of the expence of the Territory for the present year, and on our part appoint Messrs. Hardin and Cocke for that purpose, to act with such persons as you may appoint.

Mr. President and Gentlemen of the Council,

This house have added Messrs. Kelly, Wear, and Doherty, to the committee of propositions and grievances.

Received from the Council, a bill directing the mode of authenticating powers of attorney, &c. &c. endorsed, read a second time, amended and passed.

Ordered, that this bill be read, which being read, on motion of Mr. Cocke was withdrawn for amendment.

On motion of Mr. Cocke, ordered, that from Thursday next he have leave of absence for the remainder of this session.

The House adjourned until 7 o'clock to-morrow.

FRIDAY, SEPTEMBER 5, 1794.

The house met according to adjournment.

Received from the Council a bill for extending the line between the county of Sullivan and Hawkins, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read; on motion of Mr. Cocke it was withdrawn for amendment.

Mr. Ford moved for leave, and presented a bill for ascertaining what property in this Territory shall be deemed taxable property, the method of assessing the same, and collecting public taxes.

Ordered, That this bill be read; which being read, was passed the first time and sent to the Council.

Also, a bill for authenticating deeds, bills of sale, and powers of attorney.

Ordered to be read. On being read, passed the first time and sent to the Council.

Received from the Council the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with the report of the committee to whom was referred the petition of the people called Quakers, viz. That it ought to be referred to the committee of propositions and grievances.

Mr. Cocke moved for leave, and presented a bill for the establishment of college in the vicinity of Knoxville.

Ordered, that the bill be read, which being read, was passed the first time and sent to the Council.

Mr. White presented the petition of Christopher Haynes, praying that such artificers as he may employ from another state, and may be engaged in carrying on the iron works, should be exempted from militia duty; which being read, was referred to the committee of propositions and grievances.

Also, the petition of Nathaniel Evans, praying that a compensation be allowed the men with Lieut. McClellan, in the engagement with the Indians of the 13th of August, for the loss they then sustained, read and referred as above.

Mr. Wear moved for leave, and presented a petition of sundry of the inhabitants of Jefferson county, praying a division of the said county, which was read and referred as above.

Ordered, That the following messages be sent to the Council.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of Christopher Haynes, which was referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of Nathaniel Evans which has been read in this house, and referred to the committee of propositions and grievances.

Mr. President and Gentlemen of the Council,

We herewith send you the petition of sundry of the inhabitants of Jefferson county, which has been read in this house, and referred to the committee of propositions and grievances.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have entered into the following resolution, with which they request your concurrence, to wit : *Resolved*, That the Governor be authorized and requested to cause a *new census* of the people to be made, on the last Saturday in the month of July, 1795, in the same manner as the census was made by his order in the year 1791, to the end that representation may be apportioned to population in the respective election districts or counties.

Ordered, That the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

The house of Representatives concur with the resolve entered into by the Council, in authorizing and requesting the Governor to cause a *new census* of the people to be made, &c. and propose the following proviso ; and that a statement thereof be laid before the succeeding assembly, to judge of such apportionment.

Received from the Council the following message,

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur in adding the proviso to their resolution, as by you proposed, but propose that the following words be added to the resolution, after 1791 ; and lay the same before the next general assembly.

Ordered, that the following message be sent to the Council,

Mr. President and Gentlemen of the Council,

We concur with your amendment to the resolution of your house as by you proposed, for taking the census of the people of this Territory.

Received from the Council the following messages,

Mr. Speaker and Gentlemen of the House of Representatives,

We herewith send you a letter from Daniel Smith, esq. secretary of the Territory, covering an account of monies received and expended as treasurer, in pursuance of an act passed by the Governor and Judges, the 13th day of March, 1793 ; and propose, that a joint committee be appointed to take the same into consideration. The Council on their part appoint Mr. Sevier.

Mr. Speaker and Gentlemen of the House of Representatives :

As doubts have arisen whether the laws of North Carolina are now in force in this Territory, the Council propose meeting the House of Repre-

sentatives at such time and place as they may appoint, to take into consideration the said subject.

Ordered, that the following messages be sent to the Council :

Mr. President and Gentlemen of the Council,

We concur with your proposition in appointing a joint committee to take into consideration the subject of the letter of Daniel Smith, esq. and for that purpose appoint on our part Messrs. White, Cocke, Doherty, Hardin, and Wear, to act with Mr. Sevier.

Mr. President and Gentlemen of the Council,

We concur with your proposition in the two houses meeting, and to take into their consideration, whether the laws of North Carolina are now in force and use in this Territory ; and propose that the conference be at four o'clock, at the court-house.

Mr. Cocke who had leave to withdraw for amendment, the bill for extending the line between the counties of Sullivan and Hawkins, presented the same with the amendments.

Ordered, that this bill be read, which being read, was passed a second time and sent to the Council.

Mr. Cocke, who had leave to withdraw for amendment, the bill directing the mode of authenticating powers of attorney, &c. and authorizing executors to make conveyances, delivered the same with the amendments ; which being read the third time in this house, was passed and sent to the Council.

The House adjourned until 7 o'clock to-morrow.

SATURDAY, SEPTEMBER 6, 1794.

The house met according to adjournment.

Mr. Tipton from the committee of propositions and grievances,

Reported, That it is the opinion of your committee of propositions, that the petition of divers inhabitants of the county of Washington, praying to be relieved from the penalties of the law that may be inflicted on them, on account of a certain trespass, ought not to be complied with.—That the prayer of the people of Knox, on the south side of the river, praying a new county, is just and reasonable.—That the petition of a number of the inhabitants of Jefferson county, praying a division of that county, is reasonable.—That the petition of the people called Quakers, as far as it is reasonable, will be provided for in the militia law now before a committee.—That the prayer of certain soldiers, under captain Nathaniel Evans, praying compensation for their horses taken by the Indians, is a subject, that your committee is of opinion, could be more properly laid before Congress ; but that it cannot be granted by this assembly, notwithstanding the high sense we entertain of the bravery of those soldiers in defending themselves against a great superiority of enemies.

JOHN TIPTON, Ch.

Received from the Council the following bills :

A bill to ascertain what property in this Territory shall be deemed taxable property, &c. endorsed, read the first time and passed.

Ordered, that this bill be read, which being read a second time, was amended and passed.

Also, a bill authenticating deeds, bills of sale, and powers of attorney, endorsed.

Received from the Council the following bills :

A bill to establish a militia in this Territory, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was passed the second time and returned.

Adjourned till Monday 9 o'clock, A.M.

MONDAY, SEPTEMBER 8, 1794.

Met according to adjournment.

Resolved, that whenever this house shall render a list of absent members to the door-keeper, to warn them to attend, that each member so mentioned and warned, shall pay one shilling to the doorkeeper for his trouble.

Resolved, That James White, esq. be allowed the sum of two hundred and 27 dollars, for his services rendered the public, in carrying forward, and presenting the memorial of the Representatives of the People of this Territory to Congress.

Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

We herewith send you a resolve entered into by this house, in favor of James White, esq.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council propose, that the bill to authorise executors and administrators to make conveyances, be amended in the following manner, viz.

That the word *FIVE*, in the 9th line of the 3d section, be altered to *THREE*, as it formerly stood in the bill, and that the following be added to the bill, viz.

Sect. 7th. *And be it further enacted*, That in all cases where judgment and execution are obtained against the estate of any person or persons whatever, where the real estate of the debtor may be charged, it shall and may be lawful for the sheriff to levy execution on any entry or entries, location or locations, held by the debtor or debtors, and sell the same in the same manner as lands held by deed or grant. And on all such sales made, pursuant to this act, the mode of conveyance shall be by an assignment of the warrant or warrants, and by transferring of the entries and locations by the sheriff of the county where such lands are situated.

That the caption of the bill be as follows : " A bill to authorise executors, administrators and sheriffs to make conveyances.

If the House of Representatives agree to these amendments, they will send two of their members to see them made.

Concurred with—and Messrs. White and Cocke appointed to see the alterations made.

Received from the Council, a bill to establish courts of law, and for regulating the proceedings therein, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was passed the first time and sent to the Council.

Also, a bill to establish Blount College in the vicinity of Knoxville, endorsed, read the first time and passed.

Ordered, That this bill be read, which being read was passed the second time and sent to the Council.

The Speaker presented a declaratory bill respecting the laws of North Carolina, as to their being in force and use in this Territory.

Ordered that this bill be read, which being read, was passed the first time and sent to the Council.

Received from the Council, a bill to alter the time of holding courts of law and equity, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was passed and returned.

Adjourned till to-morrow, 7 o'clock, A.M.

TUESDAY, SEPTEMBER 9, 1794.

Met according to adjournment.

Mr. Tipton moved for leave and presented a bill of pardon and oblivion.

Ordered, that this bill be read, which being read the first time, was passed and sent to the Council.

A message from the Council:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with the resolution of your house, allowing James White, esq. a compensation for his services in carrying forward and presenting the memorial of the Representatives of this Territory to Congress.

Mr. White moved for leave, and presented a bill to authorise the drawing a lottery in the district of Mero, for the purpose of raising a fund for erecting a district gaol and stocks in the town of Nashville.

Also a bill providing for the payment of such debts as are due to persons for their services performed in cutting the road, and guarding families from Holston to Cumberland.

Ordered, that these bills be read; which being read, were passed the first time and sent to the Council.

Resolved, That William Cocke, esquire, having acted as attorney for the district of Washington, be permitted to receive the sum of two hundred and fifty dollars, out of the fines to be collected, and which have been imposed during the time he acted as attorney for the district aforesaid; and to be accountable to the future legislature of this Territory, when Congress makes provision to pay him for his services as attorney for said district.

Ordered, That the following message be sent to the Council:

Mr. President and Gentlemen of the Council,

We herewith send you a resolution entered into by this house in favour of William Cocke, esquire.

Mr. Beaird moved for leave and presented a petition of sundry inhabitants of Hawkius, Jefferson and Knox counties. Read and referred to the committee of propositions and grievances.

Received from the Council a bill to ascertain the several officers fees therein mentioned, endorsed, 'read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Also, a bill for the establishment of Blount college, endorsed 'read the second time, and passed.'—*Ordered* to be read, which being read, was passed the third time and returned.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have entered into the resolution herewith sent, in amendment to that entered into yesterday in favor of James White, esquire, with which they request your concurrence.

Resolved, That Daniel Smith, esquire, be directed to pay James White, esq. the sum of two hundred and twenty seven dollars, as allowed him by the resolve of yesterday, deducting one hundred and sixteen dollars advanced, which shall be allowed the said Daniel Smith in the settlement of his accounts.

Concurred with.

Mr. Tipton moved for leave and presented a bill for dividing Washington county into two distinct counties—*Ordered* to be read, which being read, was passed the first time and sent to the Council.

Sent to the Council the following messages :

Mr. President and Gentlemen of the Council :

We herewith send you the petition of sundry inhabitants of the counties of Knox, Jefferson, and Hawkins, which has been referred to the committee of propositions and grievances.

Mr. President and Gentlemen,

This house concurs with your amendment to the resolution in favour of James White, esq.

Adjourned till to-morrow 7 o'clock.

WEDNESDAY, SEPTEMBER 10, 1794.

Met according to adjournment.

Received from the Council a bill to establish courts of law, and for regulating the proceedings therein, endorsed, 'read a second time and passed.'—*Ordered* to be read, which being read, was amended, passed a second time and returned.

Received from his Excellency the Governor the following message :

Knoxville, September 1, 1794.

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives :

Herewith by the hands of Mr. Hugh White, my private secretary. you will receive the act, intituled, "An act to establish the jurisdiction of a single justice of the peace, and to ascertain certain fees therein mentioned."—An act, intituled, "An act for the relief of such persons as have suffered, or may suffer, by their grants, deeds and mesne conveyances, not being proved and registered within the time heretofore appointed by

law."—to which I have given my assent. My private secretary being now officially made known to you, I shall in future cause the acts to which I shall give my assent, to be delivered by him to you, without any written message, and having obtained your signatures, to deliver the same to the Secretary of the Territory.

WM. BLOUNT.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur with the resolution by you entered into in favor of William Cocke, esq. But have entered into the resolution here-with sent, with which they request your concurrence.

Whereas William Cocke, esq. having served and acted as state attorney for the district of Washington, for which there is not as yet any provision made by law ;

Resolved by the Governor, Legislative Council, and House of Representatives, That William Cocke, esquire, be allowed and permitted to take and receive the sum of two hundred and fifty dollars out of the fines to be collected, or which have been collected, and which have been imposed during the time he acted as attorney for the district aforesaid ; which sum is to be refunded to any future legislature, in case the Congress of the United States shall make provision to pay him for services as attorney for said district.

Sent to the Council the following message :

Mr. President and Gentlemen of the Council :

This House agrees to your amendment to the resolution in favor of William Cocke, esq.

On motion, Mr. Cocke had leave of absence from this house during the present session.

Mr. Kelly moved for leave and presented a bill for dividing Knox county into two distinct counties, which was read the first time, passed, and sent to the Council.

Mr. M'Min moved for leave and presented a bill to empower the Justices of Hawkins county to lay a tax for the purpose of erecting a court house, prison and stocks in said county, which was read the first time, passed, and sent to the Council.

Adjourned until to-morrow, 7 o'clock, A. M..

THURSDAY, SEPTEMBER 11, 1794.

Met according to adjournment.

Received from the Council, a bill establishing the militia of this Territory, endorsed, 'Read the second time, amended and passed.'

Ordered, that this bill be read ; which being read, was amended, passed the second time and returned.

Received from the Council the following bills :

A bill to divide the county of Jefferson into two distinct counties, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read a second time, was passed and returned.

Also, a bill to empower the justices of Hawkins county to lay a tax for the purpose of erecting a court house, prison and stocks, endorsed as above; read a second time, passed and returned.

Also, a bill to authorise the drawing a lottery in the district of Mero for the purpose of raising a fund for erecting a district gaol and stocks in the town of Nashville, endorsed as above; read a second time, passed and sent to the Council.

Also, a bill for dividing Knox county into two distinct counties, endorsed, read the first time and passed.

Ordered, that this bill be read; which being read, was passed a second time and sent to the Council.

Also, a bill directing the clerks of the several courts of record in this Territory, as to their duty in office, &c. endorsed, read the first time, passed, and returned.

Received from the Council the following bills:

A bill to regulate and ascertain the several officers fees therein mentioned, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read, was passed the second time, amended and returned.

A bill to ascertain what property in this Territory shall be deemed taxable property, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read a third time, was amended, passed and returned.

Adjourned till to-morrow, 7 o'clock, A.M.

FRIDAY, SEPTEMBER 12, 1794.

Met according to adjournment.

Received from the Council the following bills:

A bill for dividing Washington county into two distinct counties, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time, was amended, passed and returned.

A bill providing for the payment of such debts as are due to persons for their services performed in cutting the road, and guarding families from Holston to Cumberland.

Ordered, That this bill be read, which being read, was laid over till the next General Assembly.

Mr. White from the committee appointed to draw up a memorial to Congress, in favor of the people south of French Broad, presented the following Memorial.

To the Honorable the Senate and House of Representatives of the United States of America in Congress:

The memorial and petition of the inhabitants living south of French Broad river,

SHEWETH,

That your memorialists have settled on vacant lands, lying on the south

side of French Broad river, and which was granted to the people of this country, by the Indians at different Treaties :

First, At the Treaty of Dumplin Creek, held with John Sevier, esq., at which time the INDIANS received a compensation, in cloathing, and other articles for said land : And in the year following the same Indians, did, in a fresh treaty, held with them at Coyatee, confirm the grant aforementioned. That in consequence of these treaties, made under a then existing authority, your petitioners were induced to settle on the land so granted, which they cultivated with great labour and expence, and established within the bounds thereof, large and improved possessions. This memorial further sheweth, that the country aforesaid has been ceded to the United States, partly at the treaty of Seneca, and finally at the succeeding treaty of Holston. Your memorialists therefore petition Congress to make them secure in their labour and improvements, whenever Congress may think it expedient to open a land office, by granting them a right of pre-emption to their hard earned improvements and possessions : And whereas numbers of these petitioners have been induced to believe, that Congress would confirm such warrants or grants as had issued from the state of North Carolina, and therefore have purchased the same, and laid them on their lands ; they pray that Congress may permit them to hold their lands by such warrants, but that the justice and goodness of your honorable body will provide, that no stranger may, by such warrants, take from the holder and improver of the land, his possessions, the right of which ought to be derived through Congress.

With which this house concurred, and ordered that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

Herewith we send you the report of the committee appointed to draw up an address to Congress, in favor of the inhabitants south of French Broad, with which this house concurs.

Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

We propose that a joint committee be appointed to draw up an address to his Excellency, Governor Blount, relative to the continuance of Indian hostilities. This house appoint Messrs. White and Wear.

Received from the Council, a bill for appointing commissioners in the district of Washington, for the purpose of erecting a court-house, prison and stocks, &c. endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the first time was passed and returned.

Received from the Council the following messages.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with your proposition in appointing a committee to draw up an address to his Excellency Governor Blount, relative to the continuance of Indian hostilities ; and have appointed Mr. Sevier.

The Council also concur with the report of the committee appointed to draw up an address to Congress.

Mr. Speaker and Gentlemen of the House of Representatives,

We herewith send you a resolve entered into this day, directing certain acts of the Governor and Judges of this Territory, and the ordinance of Congress of July 1787, to be printed with the acts of the present session, with which we request your concurrence.

Resolved, that the act of Congress intituled, 'An act to accept a cession of the claims of North Carolina to a certain district of Western Territory.'—The Ordinance of Congress of the 13th of July, 1787, intituled, 'An ordinance for the Government of the Territory of the United States North West of the river Ohio—The ordinances of the Governor, and the acts of the Governor and Judges, be published with the acts of the present session.

With which this house doth not concur.

Received from the Council a bill to authorise the drawing a lottery in the district of Mero for raising a fund for erecting a district gaol and stocks in Nashville, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time, was amended, passed and returned.

Also, a bill directing the clerks of the several courts of record as to their duty in office, &c. endorsed, read the second time and passed.

Ordered, that this bill be read; which being read, was passed the second time and returned.

Adjourned until to-morrow 9 o'clock, A. M.

SATURDAY, SEPTEMBER 13, 1794.

Met according to adjournment.

Received from the Council, a bill for dividing Washington county, &c. endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read the third time, was amended, passed and sent to the Council.

The Speaker moved for leave, and presented a bill for raising a fund by lottery for cutting and clearing a waggon road, from Holston to the settlements of Cumberland river, Mero district; read the first time, passed and sent to the Council.

On motion of Mr. Hardin, and seconded by Mr. Taylor, *Ordered* that the clerk be directed to make out an estimate of the wages of the members, clerk and door keeper of the last assembly agreeable to the following rates, viz.

| | | | | | dols. | cents. |
|------------------------------|---|---|---|---|-------|--------|
| For each member per day, | - | - | - | - | 2 | 50 |
| For every 25 miles riding, | - | - | - | - | 2 | 50 |
| For the clerk per day, | - | - | - | - | 3 | |
| For the door keeper per day, | - | - | - | - | 1 | 50 |

Mr. White presented the resignation of Hopkins Lacy, esq. clerk of this house, which was accepted.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, SEPTEMBER 15, 1794.

On motion of Mr. Hardin and seconded, Baldwin Harle was appointed clerk.

Received from the Council a bill directing the clerks of courts their duty, &c. endorsed, read the third time, amended and passed—which was read and rejected.

Mr. Hardin moved, that the yeas and nays be taken; they are as follows:

YEAS.—Messrs. Hardin and Tipton.

NAYS.—Messrs. M'Min, Beaird, White, Wear, Rutledge, and Ford.

Received from the Council a bill to authorise the raising a fund for discharging the cost of cutting and clearing a waggon road from Holston to Cumberland, &c. endorsed, read the first time and passed—which being read was passed a second time and returned.

And a bill for appointing commissioners in the district of Washington, endorsed, read a second time amended and passed. On motion of Mr. Taylor he had leave to withdraw the same for amendment.

Also, a bill to authorise the justices of Hawkins to lay a tax, &c. endorsed, 'read the second time and passed.'—Which being read was passed the third time and returned.

And a bill for the collecting, payment of, and accounting for the public taxes, endorsed, 'read the first time and passed'—which was read the first time, passed and returned.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, SEPTEMBER 16, 1794.

Met according to adjournment.

Received from the Council a bill to authorise a fund for discharging the cost of cutting a waggon road from Holston to the Cumberland settlements, endorsed, 'read a second time and passed.'

And a bill to divide the county of Jefferson into two distinct counties, endorsed, 'read a second time and passed.'

Ordered, that these bills be read; which being read, the former was amended and passed the third, and the latter the second time in this house and returned.

Mr. Taylor, who had leave to withdraw for amendment the bill for appointing commissioners in the district of Washington, for the purpose of erecting a court house, prison, &c. &c. presented the same with the amendments, which was read the second time; passed and sent to the Council.

Received from the Council the following message:

Mr. Speaker and Gentlemen,

The Council, upon reading for the third and last time, the bill ascertaining what property in this Territory shall be deemed taxable property, &c. have amended the same in the following manner, which if agreed to on your part, you will please send two of your members to see the alterations made.

Sect. 1. We have reinstated the clause for taxing all free males and male servants between the age of twenty-one and fifty years. In the same section we have reinstated the word 'ten' in the clause taxing slaves ; and have struck out the clause taxing stud horses.

Sect. 2. Instead of twenty five cents per hundred acres, for land, we have set one eighth of a dollar. In the same section, on each and every negro poll, fifty cents, instead of twenty five cents ; and on all taxable white polls, twenty five cents. On all town lots one dollar instead of fifty cents.

Which being read, this house does not concur therewith.

Adjourned until to-morrow 9 o'clock, A. M.

WEDNESDAY, SEPTEMBER 17, 1794.

Met according to adjournment.

Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

The House of Representatives agree with the Council to amend the clause in the first section, by reinstating the word 'ten' in the clause taxing slaves ; and in the second section, on each and every taxable negro poll, fifty cents, in lieu of twenty five cents ; and on all town lots, one dollar instead of fifty cents — But do not concur with the amendment, section first, in the clause taxing stud horses ; and which reinstates the clause for taxing all free males and male servants, between the age of twenty one and fifty years ; and in section second, for setting one eighth of a dollar instead of twenty five cents per hundred acres for land ; and on all taxable white polls twenty five cents. This house cannot agree to pass the bill, except such clauses as they object to are reinstated by the Council.

Mr. M'Min presented a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and the dividing line between the counties of Knox and Hawkins, which was read the first time, passed and sent to the Council.

On motion, William L. Lovely was appointed assistant clerk.

Resolved, that James White, esq. representative of this Territory in Congress, be directed to lay before that house, the Memorial of the Legislative Council and House of Representatives, together with the list of murders, &c. to the end that our Atlantic fellow-citizens may be informed of the sufferings of the people of this Territory ; and that he have the same published in one or more of the Philadelphia papers.

Mr. Beaird presented a bill for establishing the county of ———

Mr. White presented a bill establishing a Treasury Department ; which were both read the first time, passed and sent to the Council.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, SEPTEMBER 18, 1794.

Met pursuant to adjournment.

Received from the Council a bill establishing the county of Blount.

Also, a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and between Hawkins and Knox, each endorsed read the first time and passed.

Ordered, that these bills be read ; which being read, were passed the second time and returned.

The House adjourned till to-morrow 7 o'clock, A. M.

FRIDAY, SEPTEMBER 19, 1794.

Met according to adjournment.

Received from the Council, a bill to divide Jefferson county into two distinct counties, endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read the third time was passed, and ordered to be engrossed.

Ordered, that the following memorial be laid before Congress.

Territory of the United States south of the river Ohio.

The memorial of the Legislative Council and House of Representatives, to the Congress of the United States of America.

It appearing from the proceedings of your late session, upon the memorial of the Representatives of the people of this Territory, that both the Senate and House of Representatives agreed in the propriety and necessity of extending effectual protection to the exposed frontiers of this country, though they differed in the mode ; we are induced to hope the subject will again be taken up at an early day of the approaching session, and that unanimity, as to the mode will take place.

We have now to inform you that since the date of that memorial, February 26th, the Creeks and Cherokees have not ceased to kill the citizens of the United States, resident in this Territory, nor to pillage the country, but have continued to do both, as usual, with an unremitting hand ; in proof of which we refer you to the annexed list of murders and thefts, committed since that period—We are truly sensible that the motives of government in forming treaties with those two nations, and in giving them large presents and annuities, have been, not the love of Indians, but with the hope that such proofs of friendship would produce a return of it on their part towards the citizens of the United States, and thereby a real peace and good understanding would be established between the parties. But, alas ! we by dreadful experience know it has had a contrary effect,—Instead of viewing such conduct on the part of the United States, as an evidence of friendship towards them, they have considered it as an evidence of fear, or as a tribute paid to their superior prowess in war ; and thus viewing it, it has served only to encourage them to kill additional numbers of your exposed fellow-citizens. Fear, not love, is the only means by which Indians can be governed ; and until they in turn are made to feel the horrors of war, they will not know the value of peace, nor observe the treaties they may form with the United States.

In discharge of the duty we owe our constituents and ourselves, we have made to you this memorial, confiding that you, in discharge of that which you owe to yours and yourselves, will take measures to punish

those two faithless and blood thirsty nations, the Creeks and Cherokees, according to the usage and custom of nations; and to secure the persons and property of the citizens of the United States, resident in this Territory.

GRIFFITH RUTHERFORD, P. L. C.

DAVID WILSON, S. H. R.

A list of the names of persons killed, wounded and captured since the 26th day of February, 1794.

March 9th. Samuel Martin, killed on a path leading from Henry's station to his father's house; and James Ferguson, on a path leading from John Craig's station.

12th. Four men killed on the Kentucky road, and one wounded.—Four men killed in Tennessee county, the particular days and names not known.

16th. John Wood wounded with four balls, about sun rise, on a path leading to the house of William Russell—a leg was cut off.

20th. Charles Bratten, killed and scalped near the house of Maj. White in Sumner county.

21st. Near the house of Secretary Smith, Anthony Bledsoe the son of the late Col. Anthony Bledsoe, and Anthony Bledsoe, the son of the late Col. Isaac Bledsoe, were both killed by Indians and scalped—Their fathers were both killed by Indians, one in his own house, the other in his field—The same party of Indians captured a valuable negro fellow belonging to Secretary Smith.

In March, the day not precisely known, Double Head, a chief of the Cherokees, killed the family of one Wilson, consisting of women and children, believed to be eight in number, on the Rolling Fork of Salt river in Kentucky, except one boy, who is now in Double Head's possession, who declares he will not give him up.

Many other people have been killed on the southern frontiers of Kentucky, of whom no account has been obtained.

April 1. Thomas Sharp Spencer, was killed on the road leading from Knoxville to Nashville, near the Crab Orchard, by Double Head, and James Walker wounded.

2d. William Green, a federal soldier, killed at Fort Grainger, the block house at the mouth of Holston, so called.

James R. Robertson, son of Gen. Robertson, and John Grimes, his nephew, killed on the Cumberland river, the day not known.

8th. The mother of Peter and Henry Livingston and two children killed, near Mocason Gap, and a negro taken.

19th. Travellers from Kentucky inform, that three persons were killed by Indians on the Kentucky road, near Middleton's station.

21st. Casteel, his wife, and four children were killed in his own house, at the dawn of day, within seven miles of Knoxville: At the same time a neighboring child, who happened to be at his house was dangerously wounded.

James M'Cown, killed at the house of the widow Hays, ten miles from Nashville—Mrs. Hays's husband had been killed a few months before.

May 26th. One of the spies on duty was wounded on Bledsoe's creek; and on the same day, on Station Camp creek, in the midst of a thick settlement, a party of Indians fired on Mr. Strawder and his son, at work, within one hundred yards of his own house, and killed and scalped the

latter; the former fled to his house, the Indians pursued and wounded his wife as she opened the door to let him in.

June 11th. The wife of Mr. Gear was scalped by Indians within four miles of Nashville, on her way to church.—Hugh Webb and Joseph M'Adams, of Sumner county, were fired upon near the Dripping Spring, on the public road, on their way from the salt works with salt for their families; the former was killed and the latter badly wounded with three balls.—Robert M'Rory was killed in pursuit of the Indians who scalped Mrs. Gear.—Stephen Jones, was killed on the southern frontier of Jefferson county.—William Scott, John and James Pettigrew, Messrs. Tate and Young, and another man, three women and three children, were killed on the Tennessee, on board a boat bound for the Natchez, and 22 negroes taken prisoners.

July 3d. Isaac Mayfield was killed within four miles of Nashville.

July 24th. John Ish was killed and scalped in his field, 13 miles below Knoxville, on the south bank of Holston.

July 9th. Major Winchester was killed and scalped on the public road leading from his own house to Sumner court-house; he was a justice of the peace and on his way to court.

August 13th. They killed on the Cumberland road near the Crab Orchard, Paul Cunningham, Daniel Hitchcock, William Flannagan and Stephen Renfro, and wounded Abraham Bird.

14th. William Blackburn, one of the federal soldiers, and David F. Dearmond, of the militia on duty, were fired upon by about 15 Indians, the former was killed and the latter wounded slightly, near fort Grainger, 22 miles from Knoxville.

20th. A party of Indians attacked the Bull-Run block-house, 16 miles from Knoxville and were repulsed.

Allen Nolen, a lad of about 12 years of age, was killed 4 miles from Nashville, on the plantation on which his father had been killed 6 years before.

24th. Robert Brigance was killed on a public road near Sumner court-house.

Gabriel Simson was killed within 6 miles of Nashville, in the early part of July, on the plantation on which his father was killed.

September 6th. A negro woman taken prisoner, the property of Peter Turney, near Bledsoe's lick.

RECAPITULATION.

| | | | | | | | | | | | | |
|-----------|---|---|---|---|---|---|---|---|---|---|---|----|
| Killed, | - | - | - | - | - | - | - | - | - | - | - | 67 |
| Wounded, | - | - | - | - | - | - | - | - | - | - | - | 10 |
| Captives, | - | - | - | - | - | - | - | - | - | - | - | 25 |

Horses stolen 374, at 50 dollars each, 18700 dollars.

On motion, Ordered, that Mr. Hardin have leave to withdraw for amendment, the bill to establish a militia in this Territory.

Received from the Council a bill establishing a treasury department, endorsed, read the first time and passed; which being read the second time, was amended, passed and returned.

Also a declaratory bill respecting the laws of North Carolina, endorsed, read the first time and passed—which being read, was passed the second time and returned.

Also, a bill appointing commissioners to run the dividing line between the counties of Hawkins and Sullivan, and between Hawkins and Knox, each endorsed read the second time and passed.

Ordered, that this bill be read, which being read a third time, was amended, passed and returned.

The house adjourned till to-morrow 7 o'clock A.M.

SATURDAY, SEPTEMBER 20, 1794.

Mr. Hardin, who had leave to withdraw for amendment, the bill for establishing a militia in this Territory, presented the same.

Ordered, That this bill be read, which being read, was laid over till the next General Assembly.

Mr. Hardin moved for leave and presented a bill to amend an act to establish a militia in the state of North Carolina, &c. which was read the first time, passed, and sent to the Council.

On motion, Mr. M'Min had leave to withdraw for amendment, the bill for the collecting, payment of, and accounting for the public taxes.

Received from the Council a bill establishing a Treasury Department, endorsed, 'read the second time and passed'—which being read, was passed the third time and returned.

On motion, Mr. Tipton had leave of absence during the session.

On motion, ordered, that an estimate be made out by the clerk, of the number of days attendance, and distance rode by each member; the estimate to include the 25th day of September, and that the following message be sent to the Council:

Mr. President and Gentlemen of the Council,

The House of Representatives have entered into a resolution, that the estimate of their attendance at this session of the General Assembly be made out the 25th day of September inclusive, with which they request your concurrence.

Adjourned till Monday 7 o'clock, A.M.

MONDAY, SEPTEMBER 22, 1794.

Received from the Council, a bill to repeal the second section of an act, entitled, an act to amend an act passed at Newbern, in December, 1785, entitled an act encreasing the jurisdiction of the county courts of pleas and quarter sessions, &c. endorsed, 'read the third time, amended and passed'—which being read, was, on motion, rejected.

Mr. White presented a bill to enable sheriffs of counties to sell certain property suggested to be held by fraudulent conveyances, which was read the first time, passed, and sent to the Council.

Resolved, That the wages of members, clerks, and door-keepers of both houses be estimated as follows, as well for the last session as the present:

| | dols. | cents. |
|---|-------|--------|
| For each member per day, - - - - - | 2 | |
| For each clerk per day, - - - - - | 3 | |
| For each door-keeper per day, - - - - - | 1 | 50 |
| For every 25 miles riding, - - - - - | 2 | |

Each member, clerk, and door keeper to be allowed for their ferriages.—
Sent for concurrence.

Adjourned until to-morrow, 9 o'clock, A.M.

TUESDAY, SEPTEMBER 23, 1794.

Met according to adjournment.

Received from the Council a bill for appointing commissioners in the district of Washington, for the purpose of erecting a court-house, prison, &c. &c. endorsed, 'read the third time and passed'—which being read, was passed the third time and ordered to be engrossed.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council cannot agree to the estimate by you made for the payment of the members of the general assembly, their clerks and door-keepers : But in lieu thereof propose the following :

| | | |
|---|----|----|
| For each member per day, | 2 | 50 |
| For each clerk, do. | 2 | 50 |
| For each clerk for stationary, | 25 | |
| For each door-keeper, per day, | 1 | 75 |
| Each member, clerk, and door keeper to be allowed for } ferriages. | | |
| Every 25 miles riding to and from the assembly, | 2 | 50 |

The Council propose that the estimate be made up to Saturday next inclusive.

Read and concurred with.

Received also, a bill to regulate and ascertain the several officers fees therein mentioned, endorsed, 'read the third time, amended, and passed'—which was read the third time, amended by consent of the Council, and ordered to be engrossed.

Ordered that the following message be sent to the Council :

Mr. President and Gentlemen of the Council :

This house concurs with your message with respect to the estimate by you proposed, for the payment of the members of the general assembly, their clerks, and door-keepers ; and also for the estimate to be made up to Saturday next inclusive.

Received from the Council, a bill for establishing Knoxville, on the north bank of the Holston, &c.—and a bill to enable sheriffs to sell certain property suggested to be held by fraudulent conveyances, endorsed, 'read the first time and passed.'

Ordered, that these bills be read, which being read the former was passed, the first, and the latter the second time and returned.

Received also the following resolution :

Resolved, That it is the sense of this General Assembly, that two or more of the Judges in discharge of their duty, should attend each and every of the Supreme Courts of Law and Equity, if practicable, any law authorising one Judge, in the absence of the others, to hold the same notwithstanding.

Resolved, That the clerks of the Council and House of Representatives be directed to cause to be delivered to each of the Judges of the Supreme Court of Law and Equity, an authenticated copy of the above, and of this resolution.

Concurred with.

Received also, a bill to establish courts of law and to regulate the proceedings therein, endorsed, 'read the third time, amended and passed.'

Ordered, that this bill be read, which being read, was amended by consent of the Council, passed the third time, and ordered to be engrossed.

Adjourned till to-morrow, 9 o'clock.

WEDNESDAY, SEPTEMBER 24, 1794.

Met according to adjournment.

Resolved, That James White, esquire, the representative of this Territory in Congress, be instructed to take an early opportunity of exhibiting to the President of Congress the additional list of one hundred and five of our fellow citizens who have suffered by the Creeks and Cherokees, since our memorial to Congress in the spring, in addition to the former innumerable and cruel acts of hostility with which this Territory has been insulted by those Indians; and to assure his Excellency that if the people of this Territory have borne with outrages which stretch human patience to its utmost, it has been through our veneration for the head of the federal government, and through the hopes we entertain, that his influence will finally extend to procure for this injured part of the Union, that justice which nothing but retaliating on an unrelenting enemy can afford.

Sent to the Council for concurrence.

Mr. Hardin moved for leave and presented a bill to repeal so much of the act, entitled, an act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c. as lays a tax on marriage licences—which was read the first time, passed, and sent to the Council.

On motion, Mr. M'Min had leave to withdraw for amendment, the bill to amend an act for establishing a militia in the state of North Carolina.

Received from the Council, a bill appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, &c. endorsed, 'read the first time and passed.'

Ordered, that this bill be read; which being read, was passed the first time and returned.

Also, a declaratory bill respecting the laws of North Carolina, as to their being in force and use in this Territory, endorsed, 'read the second time and passed'—which being read was rejected.

Received also a bill for establishing Knoxville on the north bank of the Holston, &c. endorsed, 'read the second time and passed.'

Ordered, that this bill be read, which being read, was passed the second time and returned.

Adjourned till to-morrow, 9 o'clock, A.M.

THURSDAY, SEPTEMBER 25, 1794.

Met pursuant to adjournment.

Received from the Council, a bill for appointing commissioners in the county of Jefferson for the purpose of erecting a court-house, prison, and stocks, &c. endorsed, 'read the second time, amended and passed.'

Ordered, that this bill be read, which being read, was passed the second time and returned.

Received also, a resolution of this house which is to be laid before the President of Congress by James White, esquire, endorsed, 'Concurred with.'

Resolved, That the commissioners appointed to dispose of the salt licks in Mero district, by an act of the assembly of North Carolina, passed in the year 1789, for the use of said district shall be directed to demand and collect two hundred pounds of the money due upon the sales of said licks from the purchasers thereof, apportioning the said sum to the sums of their respective purchases; and that the said commissioners shall pay the sums so collected, into the hands of the commissioners of the lottery for building a district jail in Mero, and that the money aforesaid be applied to the forwarding said building.

Sent to the Council for concurrence.

Received from the Council a bill appointing a public printer, &c. endorsed, 'read the first time and passed'—and a bill for establishing Knoxville on the north bank of the Holston, endorsed, 'read the third time and passed.'

Ordered, that these bills be read, which being read, the former was passed the first time and returned, and the latter the third time and ordered to be engrossed.

Received also the following resolution:

Resolved, That the persons killed and wounded by Indians, since the date of their memorial to Congress of the 15th instant, be added to the list of killed and wounded annexed to that memorial.

Which being read, was concurred with.

Mr. M'Min moved for leave and presented a bill for ascertaining the fees of attorneys at law in this Territory; which was read the first time, passed and sent to the Council.

Adjourned until to-morrow, 9 o'clock, A.M..

FRIDAY, SEPTEMBER 26, 1794.

Met according to adjournment.

Mr. White moved for leave and presented a bill empowering the several county courts in this Territory to lay a tax annually, for the purpose of erecting a court house, prison and stocks, &c. which was read the first time, passed and sent to the Council.

Received from the Council, a bill to repeal so much of the act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings, &c. as lays a tax on marriage licenses, endorsed, 'read the second time and passed'—and a bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, endorsed, 'read the third time and passed.'

Ordered, that these bills be read, which being read the former was passed the second time and returned, and the latter was, on motion, rejected.

Mr. M'Min who had leave to withdraw for amendment, the bill for the collecting, payment of, and accounting for the public taxes, presented the same with the amendments; which being read was passed a second time and sent to the Council.

Received from the Council, a bill for ascertaining the fees of attornies at law in this Territory, endorsed, 'read the first time and passed'—and a bill for appointing a public printer, endorsed, 'read the second time and passed.'

Ordered, that these bill be read; which being read, were passed the second time and returned.

Also, a bill empowering the several county courts to lay a tax annually, for the purpose of erecting or repairing the court house, prison and stocks in each county, &c. endorsed, 'read the first time and passed.'

Ordered, that this bill be read, which being read was amended, passed the second time and returned.

Received from the Council the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

We propose that the clerks be allowed for drawing and engrossing bills the sum of three dollars and thirty three and a third cents, except for the court bill, for which we propose allowing fifteen dollars, with which we request your concurrence.

Which being read was non-concurred with, and the following message ordered to be sent to the Council.

Mr. President and Gentlemen of the Council,

The House of Representatives do not concur with your message with respect to paying clerks for drawing and engrossing bills: But propose that they be allowed two dollars and fifty cents for drawing and engrossing each bill, except the court bill, for which they shall receive twelve dollars.

Mr. M'Min, who had leave to withdraw for amendment the bill to amend an act establishing a militia in the state of North Carolina, &c. presented the same with the amendments, which was read the second time, passed and sent to the Council.

Received from the Council a bill to repeal so much of the act, entitled an act requiring persons holding monies arising from fines and forfeitures, taxes on law proceedings. &c. as lays a tax on marriage licences, endorsed, 'read the second time and passed.'

Ordered, that this bill be read, which being read, was passed the third time and returned.

Resolved, that the following address be sent to his Excellency the Governor:

To his Excellency William Blount, Esquire, Governor of the Territory of the United States of America south of the river Ohio.

SIR,

AS it appears from the latest letters from Mero district, as well as from what has recently happened in the defeat of Lieutenant M'Clellan, that the hostile disposition of the Indians is so alarming as to render the path between this country and that of Mero extremely dangerous—In consideration thereof, and of the large number of women and children that are going out to Cumberland with the return of the members of this assembly, we entreat your Excellency to allow the company going, a guard at least equal in number to that defeated by Capt. Handly, by the Indians on the same path.

Sent to the Council for concurrence.

Adjourned until to-morrow 7 o'clock, A. M.

SATURDAY, SEPTEMBER 27, 1794.

Met according to adjournment.

Received from the Council a bill to repeal an act of the Governor and Judges, passed November 25, 1792, entitled, an act authorising the courts of the several counties to lay tax for repairing or building of court houses, &c. endorsed, 'read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Also, a bill for appointing a public printer, endorsed, 'read the third time and passed'—and a bill empowering the several county courts to lay a tax annually for the purpose of erecting or repairing the court house, prison and stocks in each county, &c. endorsed, 'read the first time and passed.'

Ordered, that these bills be read; which being read, the former was passed the third time and ordered to be engrossed, and the latter the third time and returned.

Received also a bill declaring the county of Sevier a part of the district of Hamilton, &c. endorsed, 'read the first time and passed'—and a bill to repeal an act of the Governor and Judges, passed November 20, 1792, entitled, an act authorising the courts of the several counties to lay a tax for building or repairing of court houses, prisons, and stocks, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read, was passed the second time and returned.

Received from the Council a resolution of this house respecting the salt licks in Mero district, endorsed 'concurred with'—also, the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council concur with your proposition for paying the engrossing clerks.

Received also, a bill to repeal an act of the Governor and Judges, passed Nov. 20, 1792, entitled, an act to authorise the courts of the several counties to lay a tax for repairing or building of court houses, prisons, and stocks, &c.—and a bill for the collecting, payment of, and accounting for

the public taxes, each endorsed, 'read the third time and passed.'

Ordered, that these bills be read, which being read were passed the third time and ordered to be engrossed.

Received from the Governor the following message in answer to an address sent him.

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives :

The guard you request for the members of Mero district returning home, and the families moving to that district, will be ordered as you request, and will be in readiness early on Monday.

WM. BLOUNT.

Mr. Rutledge for himself & others, moved for leave. and entered the following protest against the bill repealing so much of the act, entitled, 'an act requiring persons holding monies arising from fines and forfeitures imposed for the punishment of public offenders, taxes on proceedings in law and equity, on the probate of deeds, on the registering grants for land, and the issuing marriage licences, as directed by the laws of North Carolina to account for and pay the same, as lays a tax on marriage licences.

Whereas a bill has been brought before this general assembly, authorising the clerks of the courts within this Territory to collect certain taxes laid by the state of North Carolina on all suits at law and equity, and for recording certain grants, deeds, and mesne conveyances ; and also whereas it appears to us, that the said law became obsolete from principles naturally attending a change of the government, from a state to a territorial one, owing to the impropriety of appropriating the said taxes agreeable to the law which rendered such taxes necessary in North Carolina. And being fully impressed with the opinion, that laws authorising the collecting or laying taxes, ought never to be passed or have effect in a free government where there is not an appropriating law in force, and founded on reasonable principles, which we cannot believe to be the case in the above instance ; but on the contrary would be the means of doing the highest injury to our constituents, by drawing money out of their pockets illegally and unjustly, have thought proper hereby to declare that we do dissent from the plain implication of this house in passing the said bill, thus fraught with injustice, and destructive of the general principles of freedom of taxation by representation.

DAVID WILSON,
GEORGE RUTLEDGE,
JOSEPH M'MIN.

Resolved, That where any clerk of a court, or other officer, has received the paper currency of North Carolina in payment of fines or other public dues, and shall pay the same into the hands of the treasurer, the said treasurer shall issue such paper currency at the rate of ten shillings to the dollar, upon all orders from the general assembly of this Territory, where the person or persons in possession of such order or orders are willing to receive the same.

The Council inform you, that they cannot agree to your proposition respecting the tax bill, wherein you wish to have the clause taxing white

polls struck out, as they are of opinion a tax cannot with so much ease and convenience be collected any other way; the method you propose being involved in uncertainty, and we fear will not be sufficiently productive. Further, we have to observe that it is incumbent on the assembly, and highly necessary to have a tax speedily collected, the want of which may produce consequences not easy to be surmounted, and very difficult to reconcile to the credit of our infant government. The Council agree to the tax proposed to be laid on stud horses; but cannot agree to any other alteration in the bill.

Ordered, that the following message be sent to the Council:

Mr. President and Gentlemen,

The House of Representatives cannot agree to your message respecting the tax bill; but propose that there be a tax of twenty-five cents on each hundred acres of land, and twelve and an half cents on each and every white poll. They agree to your proposition in the tax of four dollars on each stud horse.

Received from the Council the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council agree to your proposition respecting the tax bill, except that part which lays a tax of twenty five cents per hundred on land; but propose that the tax on each hundred acres of land be twelve and an half cents, as it now stands in the bill.

With which this house doth not concur.

Ordered, That the following message be sent to the Council:

Mr. President and Gentlemen of the Council,

The House of Representatives cannot agree to your proposition respecting the tax bill, nor rescind in any degree from their former proposition of this day.

Received from the Council the following message.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council, upon mature consideration, after having made an estimate of the different objects of taxation, which they herewith send you, still adhere to their proposition in taxing land at one eighth of a dollar per hundred acres. They hope the House of Representatives, upon re-considering the subject, will agree to this proposition, as it is not the wish of the Council to draw more out of the pockets of their constituents, than will be necessary for the support of government.

It will be worthy the notice of the House of Representatives, that the tax on law proceedings has not heretofore been included in any estimate; and that there will be a contingent fund, arising from fines and forfeitures, not even included in this estimate.

| | Dollars. |
|---|----------|
| 10,000 white polls at one eighth of a dollar, | 1,250 |
| 1,100 black ditto, at 50 cents, | 550 |
| 100 stud horses, at 4 dollars, | 400 |
| 200 town lots, at 1 ditto, | 200 |
| Taxes on law proceedings, grants, deeds, &c. | 750 |
| 1,000,000 acres of land, at one eighth of a dollar, | 1,250 |
| | <hr/> |
| Total, | 4,400 |

With which this house doth not concur.

Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

The House of Representatives do not concur with your message respecting the tax bill ; and further add, that they cannot rescind from their former proposal of twenty five cents per hundred acres for land.

Adjourned till Monday 7 o'clock, A. M.

MONDAY, SEPTEMBER 29, 1794.

Met according to adjournment.

Received from the Council a bill declaring the county of Sevier a part of the district of Hamilton, &c. endorsed, ' read the second time, amended and passed.'

Ordered, that this bill be read ; which being read, was passed the second time and returned :

Resolved, that James White, esquire, the delegate from this Territory to Congress, is hereby requested to use his endeavour that the pay-master or his deputy attend at the district of Mero, for the purpose of paying the militia of said district.

Sent to the Council for concurrence:

Received from the Council a bill declaring the county of Sevier a part of the district of Hamilton, &c. endorsed ' read the third time and passed'—which being read, was passed the third time and ordered to be engrossed.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council propose to amend the tax bill as follows, to wit,—That there be a tax of twenty five cents on each taxable poll, and eighteen cents on every hundred acres of land. If the House of Representatives will agree to this proposal, they will please send two of their members to see the bill amended conformably thereto:

With which this house doth not concur.

Ordered that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

The House of Representatives concur with your proposition of laying a tax of twenty five cents on each taxable poll ; but cannot agree to your proposition with respect to the land tax, and propose that there be a tax of twenty five cents per hundred, as it stood in the bill when it went from this house.

Received from the Council the following message :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council accede to your proposition in taxing land at twenty five cents per hundred acres ; you will therefore send two of your members to see the amendments made accordingly.

Resolved, that the thanks of this general assembly be presented to Governor Blount, for the application of his abilities and attention in forwarding their business as Representatives ; more especially in compiling and arranging the system of court law. And that there appears to be no more

business before this assembly, his Excellency be requested to prorogue the same to the first Monday in October, 1794. Sent for concurrence.

Resolved, that the Governor of this territory be requested to direct, that when the census is taken next June, the sense of the people may at the same time be enquired into, how far it may be their wish for admission into the union as a state.

Sent to the Council for concurrence.

Received from the Council the following resolutions :

Resolved, that George Roulstone be allowed twenty two dollars and fifty cents for drawing and engrossing nine bills.

Resolved, that William Maclin be allowed twenty two dollars and fifty cents, for drawing and engrossing nine bills.

Resolved, that John Chisholm be allowed the sum of two dollars for his monies expended for the public service of this Territory, during the recess of the assembly.

Adjourned until to-morrow 9 o'clock, A. M.

TUESDAY, SEPTEMBER 30, 1794.

Met according to adjournment.

Resolved, that James White be allowed five dollars for the use of the court house during the session of the assembly.

Received from the Council the following resolutions :

Resolved, that fourteen of the principal artists belonging to any furnace for the manufactory of iron in this Territory be exempted from military duty, who shall not be called into service in case of insurrection or invasion unless his Excellency the Governor shall deem their services necessary.

Resolved also, that not more than four of the principal artists at any bloomery in this Territory, be exempted from military duty, who shall not be called out in case of insurrection and invasion, unless their services shall be deemed necessary by his Excellency the Governor.

With which this house doth not concur.

Resolved, that the Cavalry of Hamilton district be organized and formed into a separate and distinct regiment of Cavalry, and that the same shall enjoy all the privileges and immunities that the other regiments of Cavalry in this Territory enjoy.

Concurred with.

Received also a resolution of this house, that the thanks of the general assembly be presented to Governor Blount—a resolution in favour of James White—a resolution in favour of John Chisholm—and a resolution that the sense of the people be taken with respect to a new state—severally endorsed 'read and concurred with.'

Resolved, that the undernamed persons be paid the following sums for engrossing bills, viz.

Baldwin Harle, twenty seven dollars and fifty cents.—William L. Lovely, eleven dollars.—Howel Tatum, seven dollars and fifty cents.—B. Cousins, six dollars.

Sent to the Council for concurrence.

Received from the Council a resolution allowing John Stone ten dollars for the use of the house now occupied by the Legislative Council.

Read and concurred with.

Received also, a resolution of this house in favor of the engrossing clerks, endorsed 'concurred with.'

And, a resolution of the Council, directing the clerks of both houses to furnish ten copies of the tax law, in order that they may be distributed to each county court in this territory.—With which this house does not concur.

Ordered, that the following resolution be substituted in lieu of the above.

Resolved, that George Roulstone and Co. be allowed the sum of ten dollars, if in ten days they print fifty copies of the act passed to ascertain what property shall be deemed taxable, and the method of collecting the same.—Sent for concurrence.

Received from the Council the resolution respecting printing the tax law, endorsed, 'concurred with.'

The business of the session being finished, it was unanimously resolved, that the thanks of this house be presented to David Wilson, esquire, for his attention and able services as speaker of the House of Representatives of this Territory.

Received from his Excellency Governor Blount the following message :
Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives,

While your vote of thanks of this day affords a proof of your liberality, it offers me the highest reward for such attention as I have had in my power to pay the court and other laws. I should feel myself wanting to the Council and House of Representatives, were I not to acknowledge, that the laws which have been offered for my assent, have been such as are essential to the promotion of the public happiness, and that no law of importance at this time is omitted.

Herewith you will receive the prorogation to the day as by you requested.

WM. BLOUNT.

Knoxville, September 30, 1794.

WILLIAM BLOUNT, *Governor in and over the Territory of the United States of America south of the river Ohio.*

To the President and Gentlemen of the Legislative Council—and

The Speaker and Gentlemen of the House of Representatives :

The session of the General Assembly is prorogued until the first Monday in the month of October, one thousand seven hundred and ninety five, then to commence at this place.

Given under my hand at Knoxville, September 30th, 1794.

WM. BLOUNT.

By the Governor,

DANIEL SMITH.

Resolved, that the Honorable Speaker sign the journal of this house as the proceedings thereof, and that the Clerk attest the same.

DAVID WILSON, S. H. R.

By order,
BALDWIN HARLE, C. H. R.

Estimate of the wages of the House of Representatives, Clerk and Door Keeper, at a session commencing at Knoxville, February 24, 1794, (first session) allowing two dollars and fifty cents per day for each member and clerk, and one dollar and seventy five cents per day for the door-keeper, and two dollars and fifty cents for every twenty five miles travelling to and from the assembly—also their ferriage.

| | | | | <i>Dolls.</i> | <i>Cents.</i> |
|-------------------------------------|---------|------------|--------------|---------------|---------------|
| David Wilson, | 6 days. | 310 miles. | 4 ferriages. | 46 | 50 |
| James White, | 6 do. | 370 do. | 4 do. | 52 | 50 |
| James Ford, | 6 do. | 400 do. | 4 do. | 55 | 50 |
| William Cocke, | 6 do. | 100 do. | 2 do. | 25 | 33 1-3 |
| Joseph M'Min, | 6 do. | 170 do. | 2 do. | 32 | 33 1-3 |
| George Rutledge, | 6 do. | 240 do. | 2 do. | 39 | 33 1-3 |
| Joseph Hardin, | 6 do. | 150 do. | 2 do. | 30 | 16 2-3 |
| Leeroy Taylor, | 6 do. | 200 do. | 2 do. | 35 | 16 2-3 |
| John Tipton, | 6 do. | 218 do. | 2 do. | 36 | 91 2-3 |
| George Doherty, | 6 do. | 60 do. | 2 do. | 21 | 16 2-3 |
| Samuel Wear, | 6 do. | 60 do. | 2 do. | 21 | 16 2-3 |
| Alexander Kelly, | 6 do. | 25 do. | 2 do. | 17 | 66 2-3 |
| John Beard, | 6 do. | 30 do. | | 18 | |
| Hopkins Lacy, clerk, | 6 do. | 100 do. | 2 do. | 25 | 33 1-3 |
| Richard Mynat, door-keeper, | 6 do. | 40 do. | | 14 | 50 |
| John Chisholm, for monies expended, | | | | 2 | |
| | | | | Dollars, | 473 58 2-3 |

Estimate of the wages of the House of Representatives, Clerks and Door Keeper, at a session commencing at Knoxville, August 25, 1794, and ending September 30, 1794, allowing two dollars and fifty cents per day for each member and clerk, and one dollar and seventy five cents for the door keeper, and two dollars and fifty cents for every twenty five miles travelling to and from the assembly—also their ferriages.

| | | | | <i>Dolls.</i> | <i>Cents.</i> |
|---|----------|------------|--------------|---------------|---------------|
| David Wilson, | 37 days. | 310 miles. | 4 ferriages. | 124 | |
| James White, | 37 do. | 370 do. | 4 do. | 130 | |
| James Ford, | 37 do. | 420 do. | 4 do. | 135 | |
| William Cocke, | 17 do. | 100 do. | 2 do. | 52 | 33 1-3 |
| Joseph M'Min, | 37 do. | 170 do. | 2 do. | 109 | 83 1-3 |
| George Rutledge, | 37 do. | 240 do. | 2 do. | 116 | 83 1-3 |
| Joseph Hardin, | 37 do. | 150 do. | 2 do. | 107 | 60 2-3 |
| Leeroy Taylor, | 35 do. | 200 do. | 2 do. | 107 | 66 2-3 |
| John Tipton, | 26 do. | 218 do. | 2 do. | 86 | 91 2-3 |
| George Doherty, | 37 do. | 60 do. | 2 do. | 98 | 66 2-3 |
| Samuel Wear, | 37 do. | 60 do. | 2 do. | 98 | 66 2-3 |
| Alexander Kelly, | 30 do. | 25 do. | 2 do. | 77 | 66 2-3 |
| John Beaird, | 31 do. | 30 do. | | 80 | 50 |
| H. Lacy, clerk, | 20 do. | 100 do. | 2 do. | 60 | 33 1-3 |
| B. Harle, do. | 37 do. | 150 do. | 2 do. | 107 | 66 2-3 |
| W. L. Lovely, do. | 14 do. | 200 do. | 2 do. | 55 | 66 2-3 |
| Rich. Mynat, D. K. | 37 do. | 40 do. | | 68 | 75 |
| H. Lacy, for stationary, | | | | 14 | |
| B. Harle, for stationary and engrossing, | | | | 52 | 50 |
| Wm. L. Lovely, for stationary and engrossing, | | | | 22 | |
| Howel Tatum, for engrossing, | | | | 7 | 50 |
| B. Cousins, for ditto, | | | | 6 | |
| James White, for house rent, | | | | 5 | |
| Total, | | | | 1,700 | 16 2-3 |



JOURNAL
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
TERRITORY OF THE UNITED STATES OF
AMERICA, SOUTH OF THE RIVER OHIO;
BEGUN AND HELD
AT KNOXVILLE, THE 29TH DAY OF JUNE, 1795.

KNOXVILLE:
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JOURNAL

OF THE

LEGISLATIVE COUNCIL.

MONDAY, June 29th, 1795, being the day appointed for the meeting of the Representatives of the people of the Territory of the United States of America, south of the river Ohio, pursuant to a proclamation of his Excellency William Blount, esquire.

The members of the Legislative Council appeared and took their seats, to wit:

The Honorable Griffith Rutherford, John Sevier, James Winchester, and Parmenas Taylor.

On motion of Mr. Taylor, the following message was sent to his Excellency Governor Blount.

SIR. The Legislative Council are now convened in pursuance of your proclamation calling the General Assembly to meet on this day, and are ready to receive any communications which your Excellency may be pleased to make.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, JUNE 30, 1795.

Met according to adjournment.

Mr. Donelson appeared and took his seat.

A message from the House of Representatives, informing that they are met, and ready to proceed to business.

Sent to the House of Representatives the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council are ready to receive any communications you may make. They have appointed Mr. Taylor on the part of the Council, to join such

members of your house as you may appoint as a committee of propositions and grievances; and Mr. Winchester with such members of your house as you may join, to prepare such bills of a public nature as may be necessary to be passed into laws the present session.

Mr. Taylor moved for leave and presented a bill pointing out the method of compelling persons residing in this Territory to give evidence in causes pending in any of the United States, which was read the first time, passed, and sent to the House of Representatives.

Received from the House of Representatives, a bill to repeal an act, intituled, an act to prevent the wilful and malicious killing of slaves, passed at Newbern the 19th day March 1774: endorsed, 'Read the first time and passed.' Which being read, was passed the first time and returned.

A message from the House of Representatives, informing, that they have appointed Messrs. Cocke, Tipton, Doherty and Landers a committee of propositions and grievances: And Messrs. M'Min, Taylor, Cocke, Hardiman, Landers, and Kelly, are appointed for the committee to prepare such bills of a public nature as may be necessary to be passed into laws the present session.

Mr. Donelson presented the petition of James Russel, which was read and refered to the committee of propositions and grievances.

Message from the Governor:

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives,

The principal object for which I have called you together at an earlier period, than that to which the General Assembly stood prorogued, is to afford an opportunity to enquire whether it is as I have been taught to believe, the wish of the majority of the people, that this Territory should become a state, when, by taking the enumeration there should prove to be sixty thousand free inhabitants therein, or at such earlier period as Congress shall pass an act for its admission; and if it is, to take such measures as may be proper to effect the desired change of the form of government as early as practicable.

Upon experience it is found, that the fine and double-tax imposed upon non-residents, proprietors of taxable property, who failed to return the same to the justices of the peace, appointed to take the tax list, within the time limited by law, is oppressive and unjust, in as much as the time allowed for returning lists of the said taxable property, had, in many instances, expired, and the non-resident proprietors made liable to a heavy fine and double-tax, before they had information that the law imposing such tax had passed.—Our national character (yet in its infancy, and ought to be carefully nursed) and justice too requires, that relief should, at this session of the General Assembly, be allowed to that description of our fellow-citizens.

Doubts also have arisen upon the tax law, whether it was or was not the intention of the General Assembly to levy a public tax for the year 1794. I have judged that it was not, and have issued commissions for collectors of that tax only for the year 1795.

And should it have come within your knowledge, that there are other parts of the law upon which difference of opinion has arisen, as to the

manner of carrying it into effect, this would be the most proper time to pass an act explanatory of that law.

I presume it cannot but be known to you, that the attempt to raise a fund for the purpose of discharging the cost of cutting and clearing a waggon road from South West Point to the settlements on Cumberland river, by Lottery, will prove abortive: But I am so fully impressed with the many advantages that will result to the public from such a road, that I cannot forbear to recommend to you, Gentlemen, to extend such Legislative aid to that object, as may be in your power, in which you may rely on my hearty concurrence.

As to other objects essential to be taken up this session, none occur to me, but I shall concur with you in such measures as shall be found to promote the general interest and happiness of the people.

Upon the head of Indian affairs, I have the pleasure to inform you, that the prospects of peace between the United States, and all the Indian tribes or nations, are more pleasing than at any other period since the commencement of the war between Great Britain and the United States. I would not, however, in thus expressing myself be understood, that it is my opinion, that no more murders and thefts will be committed by Indians upon the frontier citizens; on the contrary I believe, that while there is a tribe of Indians remaining on this side of the Mississippi, uncircumscribed by the citizens of the United States, that a description of them by the Chiefs, denominated, *bad young men*, will continue, more or less, frequently to commit murders and thefts upon the frontier inhabitants; but against that description of Indians, as well as all others, should an alteration of disposition take place, Congress, at the last session, by the augmentation of the military establishment, have enabled the President to give more effectual protection to the frontier citizens than they have hitherto experienced.

Signed,

WILLIAM BLOUNT.

Ordered, that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen,

We herewith send you a message which we have this day received from his Excellency Governor Blount, which, as the contents thereof appears to embrace objects of magnitude, we propose that a conference be had between the Council and House of Representatives, at such time and place as you may appoint, to take the same into consideration.

The President laid before the Council a letter signed B. Searcy, praying the emancipation of negro Bob; which was read and refered to the committee of propositions and grievances.

A message from the House of Representatives, informing that they agree to the proposition of a conference of both houses, to meet at half past 11 o'clock A. M. at the court-house.

Sent to the House of Representatives, a message proposing the postponement of the conference of both houses until to-morrow ten o'clock.

Adjourned until to-morrow 10 o'clock.

WEDNESDAY, JULY 1, 1795.

MET according to adjournment.

Mr. Taylor moved for leave and presented a petition from sundry inhabitants of Jefferson county, praying for the alteration of the place for holding courts, &c. which was read and referred to the committee of propositions and grievances.

Mr. Winchester moved for leave and presented a bill appropriating certain monies in the hands of certain commissioners, appointed by an act of the General Assembly of North Carolina, passed in the year 1789, intituled, 'An act directing the sale of the Salt Licks and Springs, with the adjoining lands, within the district of Mero; which was read the first time, passed, and sent to the House of Representatives.

Received from the House of Representatives, a bill pointing out the method of compelling persons residing in this Territory, to give evidence in causes pending in any of the United States; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time was passed and returned.

Adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, JULY 2, 1795.

MET according to adjournment.

Col. Landon Carter, treasurer for the districts of Washington and Hamilton, presented a report of the amount of the sums due from the different collectors and holders of public monies in the respective counties of the said districts, so far as returns have been made for the year 1795.

Received from the House of Representatives, a bill to divide Knox county; And a bill appropriating certain monies in the hands of commissioners, appointed by an act of the General Assembly of North Carolina, passed in the year 1789, intituled, 'An act directing the sale of the Salt Licks and Springs, with the adjoining land, within the district of Mero; each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read the former was passed the first and the latter the second time and returned.

On motion, Messrs. Sevier and Winchester were appointed to take into consideration the most eligible manner of obtaining the sense of the people as to their becoming an independent state, and the necessary measures to be taken thereon: Also, to draw up and present an answer to the address and communication of the Governor at the opening of the session.

Received from the House of Representatives, a bill to establish the town of Dandridge, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was passed the first time and returned.

Adjourned until to-morrow 10 o'clock A. M.

FRIDAY, JULY 3, 1795.

Met according to adjournment.

Received from the House of Representatives, a bill pointing out the method of compelling persons residing in this Territory to give evidence, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was passed and returned.

Received also a bill to divide the county of Washington, endorsed, read the first time and passed. And a bill appropriating certain monies in the hands of certain commissioners, &c. endorsed, read the second time and passed.

Ordered, that these bills be read, which being read, the former was read the first, and the latter the third time amended and returned.

Mr. Sevier moved for leave and presented a bill to establish a college at Salem, in Washington county, which was read the first time, amended and passed.

Received from the House of Representatives, a bill providing for the enumeration of the inhabitants of this Territory; A bill to establish the town of Dandridge, endorsed, read the second time and passed. And a bill to repeal an act, entitled, an act for the relief of persons disabled by wounds, &c. endorsed, read the first time and passed.

Ordered, that these bills be read, which being read, the former was passed the first time and returned, and the two latter on motion rejected.

Received from the House of Representatives, a bill for the establishment of Washington College, endorsed, read the first time and passed; which being read, was passed the second time and returned,

Adjourned until to-morrow 10 o'clock, A. M.

SATURDAY, JULY 4, 1795.

Met according to adjournment.

Mr. Winchester moved for leave and presented a bill to amend and explain an act of the General Assembly, passed at Knoxville, September 1794, intituled, "An act, to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures imposed for the punishment of public offenders, taxes on proceedings in law and equity; on the probate of deeds; on the registering of grants for land; and the issuing marriage and ordinary licences, as directed by the laws of North Carolina, to account for, and pay the same, as lays a tax on marriage licenses;" which was read the first time, passed and sent to the House of Representatives.

On motion, Mr. Winchester was appointed to examine engrossed bills.

Sent to the House of Representatives the following message;

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have appointed on their part Mr. Winchester to act with such gentlemen as you may join as a committee to examine engrossed bills, and present the same to his Excellency the Governor for his assent.

A message from the House of Representatives, informing that they had appointed Mr. M'Min on their part to examine engrossed bills.

Received from the House of Representatives, a bill for establishing Washington College at Salem, &c. endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read was amended, passed the third time and returned.

Adjourned until Monday 10 o'clock, A. M.

MONDAY, JULY 6, 1795.

Met according to adjournment.

Received from his Excellency Governor Blount, a message accompanying a petition from the inhabitants of Sevier county, which was read and referred to the committee of propositions and grievances.

Received from the House of Representatives, a bill appointing commissioners for regulating the town of Greeneville in Greene county. A bill to authorize sheriffs to collect their arrearages in the several counties, &c. And a bill to amend an act, intituled, "An act to regulate and ascertain the several officers fees therein contained," each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time and returned.

Mr. Taylor moved for leave and presented a bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, and laying off a town in said county; which was read the first time and passed.

Mr. Sevier moved for leave and presented a bill limiting the time of attendance of grand jurors at each and every superior court of law, which was read the first time and passed.

Received from the House of Representatives, a bill to divide Knox county; and a bill for dividing Washington county, each endorsed, read the second time, amended and passed.

Ordered, that these bills be read, which being read, were passed the second time and returned.

Received also, a bill to amend and explain an act of the General Assembly, passed at Knoxville in September, 1794, intituled, "An act to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures, imposed for the punishment of public offenders, taxes, &c. &c. as directed by the laws of North Carolina, as lays a tax on marriage licenses;" endorsed read the first time and passed; which was read the second time passed and returned.

Mr. Winchester moved for leave and presented a bill to amend an act passed at Knoxville, September the 30th, 1794, intituled, "An act ascertaining what property in this Territory shall be deemed taxable property, and the method of collecting public taxes," which was read the first time and passed.

Adjourned until to-morrow, 9 o'clock, A.M.

TUESDAY, JULY 7, 1795.

Met according to adjournment.

Mr. Sevier, from the committee appointed to draw up and present an address to his Excellency Governor Blount, in answer to his address and communication of Tuesday last, reported the following, which being read was concurred with.

To his Excellency William Blount, Esquire, Governor and Commander in Chief in and over the Territory of the United States of America, south of the river Ohio.

SIR,

THE members of the Legislative Council, and of the House of Representatives, beg leave to express to your Excellency their approbation of the object for which they were principally called together; and feeling convinced that the great body of our constituents, are sensible of the many defects of our present mode of government, and of the great and permanent advantages to be derived from a change and speedy representation in Congress, the General Assembly of this Territory, will, during their present session, endeavour to devise such means as may have a tendency to effect that desirable object, and in doing so, we shall feel happy in meeting with your Excellency's concurrence.

Your Excellency may rest assured, that the tax law will be reviewed, and considered with mature deliberation, and whilst we shall labour to remedy that part of the system which has in its operation appeared to you oppressive and unjust, we shall carefully explain such clause or clauses, upon the true construction and meaning of which doubts have arisen.

We regret, Sir, that the attempt made at our last session to raise a fund for the cutting and clearing a waggon road from South-West-Point to the settlements on Cumberland river, by lottery, has not proved commensurate to the object in view: And while we feel a certainty that the public benefit and convenience will be heightened exceedingly from such a road, we shall strive to extend such legislative aid to that object as the present situation and resources of the Territory may admit of.

To promote the general interest and happiness of the people, will be our first and greatest care; and in this we harbour not a doubt but that we shall meet with your generous assistance.

We rejoice with your Excellency, that the calamities arising from Indian warfare, have now in a great measure ceased to exist upon our exposed frontiers; and so long as a remembrance of past sufferings continues, we shall entertain a grateful sense of your Excellency's unwearied and constant struggles to promote a general peace with the Indian tribes; the good effects of which we now so sensibly experience.

It is to be lamented however, that such is the savage disposition of Indians, and so great their thirst for shedding the blood of white men, that even in times of peace, the lives of our frontier settlers in a greater or less degree insecure; but when this melancholy truth presents itself to our view, we derive great consolation from the pleasing hope, that the federal government will afford us such defensive protection, which as citizens of America, we have a right to expect, and the present flourishing situa-

tion of American resources, and their brilliant armament authorizes us to look for.

We cannot conclude without expressing our approbation of your Excellency's administration, and a sincere wish that the people of this Territory may long experience your generous and patriotic services, in their favour, and for a continuance of your excellency's public, individual and domestic happiness,

JOHN SEVIER, Chr.

Which being read was concurred with.

Received from the House of Representatives the following resolutions :

Resolved, that no petitions nor bills of a private nature will be taken up nor entered upon during the present session of assembly after to-morrow.

Received from the House of Representatives a bill establishing a town in Sullivan county by the name of Blountville ; A bill to alter and establish a line between the counties of Jefferson and Sevier, on the south side of French Broad river ; And a bill appointing commissioners to erect a court house, &c. in Sevier county ; also, a bill to compel clerks of courts, registers and rangers to keep their offices at the court house of their respective counties, each endorsed, " read the first time and passed."

Ordered, that these bills be read, which being read, were passed the first time and returned.

Received from the Council, a bill limiting the time of attendance of grand jurors and constables at the several courts ; a bill appointing commissioners in the county of Jefferson, &c. &c.

Also, a bill to amend an act passed at Knoxville, September 30, 1794, intituled " An act ascertaining what property shall be deemed taxable property, &c. each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the second time and returned.

Received also, a bill to amend and explain an act of the General Assembly, passed at Knoxville, September 1794, intituled " An act to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was passed and returned.

Received from the House of Representatives, the petition of G. Gillespie, endorsed, read and refered to the committee of propositions and grievances, which was non concurred ; and the following message returned.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur with your proposition in refering the petition of George Gillespie to the committee of propositions and grievances, but propose that a special committee of claims be appointed ; and on their part name Mr. Taylor.

Mr. Sevier moved for leave and presented a bill declaring the punishment for feloniously killing any negro, &c. which was read the first time and passed.

Mr. Donelson moved for leave and presented a bill declaring in force an act of the General Assembly of North Carolina, passed at Fayetteville, on the first of November, 1790, entitled, an act empowering the county courts

to direct the secretary of state correct certain patents, &c. which was read the first time & passed.

Received from the House of Representatives, a bill for the division of Sumner county, which was read, and, on motion, laid over till the next assembly.

Mr. Sevier moved for leave and presented a bill to prevent the recovery of money won by horse racing, which was read the first time and passed.

Adjourned until to-morrow 10 o'clock.

WEDNESDAY, JULY 8, 1795.

MET according to adjournment.

Received from the House of Representatives, a bill to suspend the operation of an act for the relief of such persons as have been disabled by wounds, &c. which was read the first time and passed.

Received also a bill to appoint commissioners for the regulation of Clarksville, which was read the first time and passed.

And a bill limiting the attendance of grand jurors, which was read the first time and passed.

Received from the House of Representatives, a bill establishing a town in Sullivan county by the name of Blountville; and a bill providing for the enumeration of the inhabitants of this Territory, which were read the second time and passed.

Message from the Governor:

Mr. President and Gentlemen of the Legislative Council: and

Mr. Speaker and Gentlemen of the House of Representatives,

I lay before you copies of several papers respecting the opening of a waggon road from Buncombe court house, in North Carolina, to this Territory, a list of which is subjoined, recommending that important subject to your consideration.

WM. BLOUNT.

Sent to the House of Representatives the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council herewith send you a message, which they have this day received from his Excellency Governor Blount, accompanying sundry papers respecting the opening a waggon road from the state of South Carolina to this Territory.

The Council propose appointing a special committee to take into consideration and report on said communications, and on their part have named Messrs. Sevier and Taylor.

Received from the House of Representatives, a bill appointing commissioners to erect a court-house, &c. in the county of Sevier; and a bill appointing commissioners for regulating the town of Greeneville; also a bill to amend an act passed at Knoxville, September the 30th, 1794, intituled, 'An act ascertaining what property in this Territory shall be deemed taxable property, &c. which were read the third time and passed.

Received likewise, a bill to repeal so much of an act, intituled, An act to regulate and ascertain the several officers fees therein contained, passed

at Knoxville, September 29, 1794, as respects the fees of the clerks and masters in equity, and establishing other fees in their stead.

Adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, JULY 9, 1795.

MET according to adjournment.

Received from the House of Representatives, a bill to suspend the operation of an act, intituled, 'An act for the relief of such persons as have been disabled by wounds, &c. which was read the third time and passed.

And a bill to appoint commissioners for the regulation of Clarksville, in Tennessee county; which being read, the former was passed the second time and returned, and the latter the third time and ordered to be engrossed.

Also, a bill to alter and establish the line between the counties of Jefferson and Sevier; a bill to divide the county of Washington, which being read were passed and returned.

Received also the following resolution.

Resolved, that George Gillespie, sheriff of Washington county, be allowed one hundred and twenty dollars and fifteen cents, for monies expended and services performed as sheriff in Washington district. Which was read and concurred with.

Adjourned until to-morrow 9 o'clock.

FRIDAY, JULY 10, 1795.

Met according to adjournment.

Received from the House of Representatives, a bill to alter and establish a line between the counties of Jefferson and Sevier,

And a bill to repeal so much of an act, intituled, 'An act to regulate and ascertain the several officers fees,' &c. which being read, the former was passed the third time and ordered to be engrossed, and the latter the second time and returned.

Received from the House of Representatives the following message:

Mr. President and Gentlemen of the Legislative Council,

The House of Representatives propose that the estimates for the General Assembly be made out until the 11th instant, inclusive, with which they request your concurrence.

Adjourned until to-morrow, 9 o'clock, A.M.

SATURDAY, JULY 11, 1795.

MET according to adjournment.

Received from the House of Representatives, a bill to repeal so much of an act, intituled, 'An act to regulate and ascertain the several officers fees therein contained, &c.

Ordered, that this bill be read, which being read the third time was passed and ordered to be engrossed.

Received also, a bill to divide the county of Knox, endorsed, 'July 8, taken up and passed the third time.'

Ordered, that this bill be read, which being read the third time was passed and ordered to be engrossed.

Received from the House of Representatives the following resolutions :

Resolved, that Baldwin Harle and William L. Lovely, be allowed twenty dollars for drawing and engrossing eight bills.

Resolved, that it is the sense of this house, that James White, esq. elected at the last session of the General Assembly to represent this Territory, in the Congress of the United States, was elected to represent the Territory in Congress during the existence of the temporary government.—Read and concurred with.

Resolved, that George Roulstone and William Maclin be allowed thirty-five dollars for drawing and engrossing fourteen bills.

Received also a resolution allowing John Stone ten dollars, for the use of his house ; each endorsed, read and concurred with.

Resolved, That his Excellency Governor Blount be authorised and directed to appoint three commissioners, to meet the three commissioners appointed by the state of South Carolina, to deliberate and consult on measures for the purpose of cutting and opening a road through the eastern mountains, and report unto our next general assembly the result of their conference ; also, the practicability and probable expence of cutting and opening the said road, the nearest and best rout through the mountains—That the Governor, also, be authorised and empowered to draw a sum out of the treasury, not exceeding one hundred dollars, for the purpose of defraying the necessary expences of said commissioners.

Sent for concurrence.

An estimate of the pay of the Legislative Council, their clerks and door-keepers, at a session commencing June 29, 1795, and ending July 11, 1795, allowing two dollars and fifty cents per day for each member and clerk, and two dollars for the door-keepers, and two dollars and fifty cents for every thirty miles riding to and from the assembly, to the members and clerks, also, their ferriages.

| | <i>Days.</i> | <i>Ferries.</i> | <i>Miles.</i> | <i>Dolls.</i> | <i>Cents.</i> |
|---|--------------|-----------------|---------------|---------------|---------------|
| Griffith Rutherford, | 13 | 4 | 322 | 6 | 033 |
| John Sevier, | 13 | 2 | 200 | 49 | 33 |
| James Winchester, | 13 | 4 | 312 | 59 | 50 |
| Parmenas Taylor, | 13 | 2 | 102 | 41 | 16 1-3 |
| Stockley Donelson, | 12 | 4 | 130 | 41 | 16 1-3 |
| George Roulstone, clk. | 13 | | | 32 | 50 |
| Do. for stationary and en- } grossing, | | | | 42 | 50 |
| William Maclin, clk. | 13 | 6 | 380 | 65 | 28 1-2 |
| Do. for stationary and en- } grossing, | | | | 42 | 50 |
| C. Shoat, door-keeper, | 13 | 4 | 420 | 62 | |
| Thos. Bounds, do. | 13 | | 12 | 27 | |
| John Stone, house-rent, | | | | 10 | |

Dollars, 533 27 1-6

A message from the Governor.

William Blount, Governor, in and over the Territory of the United States of America, south of the river Ohio,

*To the President and Gentlemen of the Legislative Council, and
The Speaker and Gentlemen of the House of Representatives:*

The business of this session being completed, the General Assembly is prorogued *sine die*.

Given under my hand and seal, at Knoxville, July 11, 1795.

WILLIAM BLOUNT.

By the Governor,

THOMAS H. WILLIAMS, *Pro Sec'y*.

The business of the session being finished, it was unanimously resolved, that the thanks of the Legislative Council be presented to the Hon. Griffith Rutherford for his attention and able services as President thereof.

Ordered, that the Honorable President sign the Journal of this house, as the proceeding thereof, and that the clerk attest the same.

GRIFFITH RUTHERFORD, P. L. C.

By order—G. ROULSTONE, C. L. C.

JOURNAL
OF THE
PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES
OF THE
TERRITORY OF THE UNITED STATES OF
AMERICA, SOUTH OF THE RIVER OHIO;

BEGUN AND HELD

AT KNOXVILLE, THE 29TH DAY OF JUNE, 1795.

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE, PRINTER TO THE TERRITORY, 1795.

NASHVILLE:

RE-PRINTED BY McKENNIE & BROWN, TRUE WHIG OFFICE.
1852.

**ORDERED TO BE RE-PRINTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE, OF 1851-'2.**

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, June 29th, 1795, being the day appointed for the meeting of the Representatives of the people of the Territory of the United States of America, south of the river Ohio.

The following members appeared and took their seats, viz. Joseph Hardin, George Doherty, William Cocke, John Tipton, Leeroy Taylor, James Ford, Joseph M'Min, Alexander Kelly, and John Beaird, esquires.

The house proceeded to the choice of a speaker, when Mr. Hardin was unanimously chosen and conducted to the chair.

Thomas Hardiman, esq. from Davidson county, and Abraham Landers, esq. from Sumner county, appeared, produced credentials of election, and took their seats.

Ordered, that the following message be sent to his Excellency Governor Blount.

SIR. The House of Representatives are now met agreeably to your appointment, and are ready to receive any communications that your Excellency may think proper to lay before them.

Ordered, that a message be sent to the Council, informing them that the house are met, and ready to proceed to business.

Adjourned until to-morrow 9 o'clock, A. M.

TUESDAY, JUNE 30, 1795.

Met according to adjournment.

Mr. Wear appeared and took his seat.

Mr. Dougherty moved that a committee of privileges and elections be appointed.

Messrs. Cocke, Tipton, Hardiman, Landers, Taylor, and Ford, were appointed a committee for that purpose.

Received from the Council a bill pointing out the method of compelling persons residing in this Territory to give evidence in causes pending in any of the United States; endorsed, read the first time and passed, which being read the first time was returned.

A message from the Council :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council are ready to receive any communications you may make. They have appointed Mr. Taylor on the part of the Council, to join such members of your house as you may appoint as a committee of propositions and grievances; and Mr. Winchester with such members of your house as you may join, to prepare such bills of a public nature as may be necessary to be passed into laws the present session. Concurred with, and Messrs. Tipton, Doherty, Cocke, and Landers, are appointed for the committee of propositions and grievances:—And Messrs. M'Min, Taylor, Cocke, Hardiman, Landers, and Kelly, are appointed for the committee to prepare such bills of a public nature as may be necessary to be passed into laws the present session.

Ordered, that a message be sent to the Council rejecting the same.

Mr. Cocke moved for leave and presented a bill to repeal an act, intitled, an act to prevent the wilful and malicious killing of slaves, passed at Newbern the 19th day March 1774: *Ordered* to be read, which being read, was passed the first time and sent to the Council.

Received a message from the Council, accompanying one from his Excellency Governor Blount, proposing a conference of both houses, on the contents of the Governor's message :

Message from the Governor :

Mr. President and Gentlemen of the Legislative Council, and

Mr. Speaker and Gentlemen of the House of Representatives,

The principal object for which I have called you together at an earlier period, than that to which the General Assembly stood prorogued, is to afford an opportunity to enquire whether it is as I have been taught to believe, the wish of the majority of the people, that this Territory should become a state, when, by taking the enumeration there should prove to be sixty thousand free inhabitants therein, or at such earlier period as Congress shall pass an act for its admission; and if it is, to take such measures as may be proper to effect the desired change of the form of government as early as practicable.

Upon experience it is found, that the fine and double tax imposed upon non-residents, proprietors of taxable property, who failed to return the same to the justices of the peace, appointed to take the tax list, within the time limited by law, is oppressive and unjust, in as much as the time allowed for returning lists of the said taxable property, had, in many instances, expired, and the non-resident proprietors made liable to a heavy fine and double-tax, before they had information that the law imposing such tax had passed.—Our national character (yet in its infancy, and ought to be carefully nursed) and justice too requires, that relief should, at this

session of the General Assembly, be allowed to that description of our fellow-citizens.

Doubts also have arisen upon the tax law, whether it was or was not the intention of the General Assembly to levy a public tax for the year 1794. I have judged that it was not, and have issued commissions for collectors of that tax only for the year 1795.

And should it have come within your knowledge, that there are other parts of the law upon which difference of opinion has arisen, as to the manner of carrying it into effect, this would be the most proper time to pass an act explanatory of that law.

I presume it cannot but be known to you, that the attempt to raise a fund for the purpose of discharging the cost of cutting and clearing a waggon road from South West Point to the settlements on Cumberland river, by Lottery, will prove abortive: But I am so fully impressed with the many advantages that will result to the public from such a road, that I cannot forbear to recommend to you, Gentlemen, to extend such Legislative aid to that object, as may be in your power, in which you may rely on my hearty concurrence.

As to other objects essential to be taken up this session, none occur to me, but I shall concur with you in such measures as shall be found to promote the general interest and happiness of the people.

Upon the head of Indian affairs, I have the pleasure to inform you, that the prospects of peace between the United States, and all the Indian tribes or nations, are more pleasing than at any other period since the commencement of the war between Great Britain and the United States. I would not, however, in thus expressing myself be understood, that it is my opinion, that no more murders and thefts will be committed by Indians upon the frontier citizens; on the contrary I believe, that while there is a tribe of Indians remaining on this side of the Mississippi, uncircumscribed by the citizens of the United States, that a description of them by the Chiefs, denominated, *bad young men*, will continue, more or less, frequently to commit murders and thefts upon the frontier inhabitants; but against that description of Indians, as well as all others, should an alteration of disposition take place, Congress, at the last session, by the augmentation of the military establishment, have enabled the President to give more effectual protection to the frontier citizens than they have hitherto experienced.

Signed,

WILLIAM BLOUNT.

Ordered, that a message be sent to the Council, agreeing to the proposition of a conference of both houses, to meet at half past 11 o'clock, A. M. at the court house.

Mr. Rutledge appeared and took his seat.

Received from the Council a letter signed B. Searcy, praying the emancipation of negro Bob; endorsed, read, and referred to a committee of propositions and grievances, with which this house does not concur.

Also, a message postponing the time for the meeting of the conference of both houses until to-morrow ten o'clock, with which this house concurs.

Mr. Tipton presented a petition from the inhabitants living on the west side of the Iron Mountain, praying a division of the county of Washington, read, and referred to the committee of propositions and grievances.

Also, a petition of sundry inhabitants of Washington, prescribing lines for the above division, read, and refered as above.

Mr. Dougherty presented a petition of sundry inhabitants of Sevier county for annexing part of Sevier county to Jefferson, read, and refered to the committee of propositions and grievances.

Mr. Kelly presented a petition of sundry inhabitants of Knox county praying a division, read and refered as above.

Adjourned until to-morrow, 10 o'clock.

WEDNESDAY, JULY 1, 1795.

Met according to adjournment.

A petition for the establishment of the town of Dandridge, was read and refered to the committee of propositions and grievances.

Mr. Tipton from the committee of propositions and grievances reported, that the petition of sundry inhabitants living south of French Broad river, praying a division of Knox county is reasonable, and that a bill be brought in this present General Assembly to divide the same, agreeable to the prayer of the petition.

With which this house concurs.

JOHN TIPTON, Chr.

Ordered, that Messrs. Ford, Taylor, and Rutledge, be added to the committee of propositions and grievances.

A petition of sundry inhabitants of Mero District, praying a redress of certain grievances, was read and referred to the committee of propositions and grievances.

Received from the Legislative Council, a bill pointing out the method of compelling persons residing in this Territory to give evidence in causes pending in any of the United States; endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the second time was passed and returned.

Also, a bill to repeal an act, intituled, 'An act to prevent the wilful and malicious killing of slaves,' passed at Newbern the 19th of March, 1774; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time was passed and returned.

Likewise, a bill appropriating certain monies in the hands of certain commissioners, appointed by an act of the General Assembly of North Carolina, passed in the year 1789, intituled, 'An act directing the sale of the Salt Licks and Springs, with the adjoining lands, within the district of Mero; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was passed the first time and returned.

Adjourned until to-morrow, 10 o'clock, A. M.

THURSDAY, JULY 2, 1795.

Met according to adjournment.

A bill to divide Knox county was read the first time, passed and sent to the Council.

Mr. Tipton from the committee of propositions and grievances, reported, that the petition of sundry inhabitants of Mero district, praying a revisal of the last tax law, is reasonable, and that the objects, thereby presented, are now under the consideration of the General Assembly.

Also, the petition for establishing the town of Dandridge, is reasonable, and ought to be granted—And that the petition of sundry inhabitants of Washington county, praying a division of the same is reasonable, and that a bill be brought in to divide the same, &c.—And that the petition of sundry inhabitants of the county of Jefferson, praying a removal of the court house of said county ought to be rejected.

JOHN TIPTON, Chr.

With which this house concurs.

A memorial and petition of John Bean was read and referred to the committee of propositions and grievances.

A petition of sundry inhabitants of Sullivan and Hawkins counties, praying an alteration of the place of holding the district court in Washington district, read and referred as above.

A bill to establish the town of Dandridge, on the north bank of French Broad river, on the lands given by Francis Dean to the use of the county of Jefferson, and for appointing commissioners for the regulation thereof, read the first time, passed, and sent to the Council.

A bill from the Council appropriating certain monies in the hands of commissioners, appointed by an act of the General Assembly of North Carolina, passed in the year 1789, intituled, 'An act directing the sale of the Salt Licks and Springs, with the adjoining lands, within the district of Mero; endorsed, read the second time and passed.

Ordered, that this bill be read, which being read, was passed the second time and returned.

A bill was presented to divide the county of Washington into two distinct counties.

Ordered, that this bill be read, which being read the first time, was passed and sent to the Council.

Received from the Council the report of the committee of propositions and grievances, on the petition of the inhabitants of Knox county; endorsed, concurred with.

A message from the Council.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council propose that a joint committee be appointed to take into consideration the most eligible manner of obtaining the sense of the people as to their becoming an independent state, and the necessary measures to be taken thereon: Also, to draw up and present an answer to the address and communication of the Governor at the opening of the session.—Mr. Winchester and Mr. Sevier are appointed on the part of the Council.

Ordered, that Messrs. Cocke, Wear, Landers, Hardiman, Taylor, and Ford be appointed on the part of this house, and that the Council be informed of the same.

Adjourned until to-morrow 10 o'clock, A.M.

FRIDAY, JULY 3, 1795.

Met according to adjournment.

Received from the Council, a bill to divide the county of Knox into two distinct counties ; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time was amended, passed and returned.

Also, a bill pointing out the method of compelling persons residing in this Territory to give evidence, &c. endorsed, read the third time and passed.

Ordered, that this bill be read, which being read the third time was passed and ordered to be engrossed.

Also, a report of the treasurer of Washington and Hamilton districts, which was read and referred to a committee appointed for that purpose.

Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council,

We propose that a joint committee be appointed to take into consideration the report of the treasurer ; and on our part appoint Messrs. Wear, M'Min, Kelly, and Beaird, to act with such gentlemen as you may appoint.

Received from the Council, a bill to establish the town of Dandridge ; endorsed, read the first time and passed :—And a bill appropriating certain monies arising from the sale of the Salt Licks and Springs, &c. in Mero district ; endorsed, read the third time, amended and passed.

Ordered, that these bills be read, which being read, the former was passed the first time and returned ; the latter passed the third time and ordered to be engrossed.

On motion, a bill was presented to repeal an act, intituled, 'An act for the relief of such persons as have been disabled by wounds, or rendered incapable of providing for themselves and families subsistence in the militia service of this Territory, and providing for the widows and orphans of such as have died—Also, a bill, on motion, was presented, providing for the enumeration of the inhabitants of this Territory.

Ordered, that these bills be read, which being read the first time were passed and sent to the Council.

Mr. Tipton from the committee of propositions and grievances, reported, that the petition of sundry inhabitants of Washington and Hawkins counties, praying, that the Superior Court of Washington district be removed to the centre of the district, ought to be rejected, and that the prayer of the petition of John Bean cannot be granted.

JOHN TIPTON, Chr.

With which this house concurs.

The petition of James Reese and Archibald Fisher, praying a restitution of monies by them expended for the guard, was read and referred to the committee of propositions and grievances.

Received from the Council, a bill to divide the county of Washington into two distinct counties ; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time was amended and passed.

The petition of sundry inhabitants of Sevier county, praying the estab-

lishment of a court house in the said county, was read and refered to the committee of propositions and grievances.

Adjourned until to-morrow 10 o'clock, A. M.

SATURDAY, JULY 4, 1795.

Received from the Council, a bill for establishing Washington college at Salem, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the second time was amended, passed and returned.

Received also, a bill to amend and explain an act of the General Assembly, passed at Knoxville in September, 1794, intituled, 'An act to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures, imposed for the punishment of public offenders, taxes on proceedings in law and equity; on the probate of deeds; on the registering of grants for land; and the issuing marriage and ordinary licences, as directed by the laws of North Carolina, to account for, and pay the same, as lays a tax on marriage licenses;' endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the first time was passed and returned.

On motion, a bill was presented for the division of Sumner county.

Ordered, that this bill be read, which being read the first time was passed and sent to the Council.

Received also, a bill to amend an act, intituled, 'An act to regulate and ascertain the several officers fees therein contained,' passed at Knoxville, September 29, 1794.

Ordered, that this bill be read, which being read the first time was passed and sent to the Council.

A message from the Council :

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have appointed on their part Mr. Winchester to act with such gentlemen as you may join as a committee to examine engrossed bills, and present the same to his Excellency the Governor for his assent.

Concurred with, and Mr. M'Min appointed on the part of this house for the committee.

Adjourned until Monday 10 o'clock, A. M.

MONDAY, JULY 6, 1795.

A petition of sundry inhabitants of Hawkins, Jefferson and Knox counties, praying a division of said counties, was read, and refered to the committee of propositions and grievances.

Received a bill from the Council for establishing a college at Salem, &c. endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read the third time was passed and ordered to be engrossed.

On motion, a bill was presented appointing commissioners for regulating the town of Greeneville in Greene county.—Also, on motion, a bill was

presented to authorise the sheriffs to collect their arrearages in the different counties.

Ordered these bills be read, which being read the first time were passed and sent to the Council.

Received from the Council the following bills: A bill providing for the enumeration of the inhabitants of the Territory of the United States, &c. —A bill limiting the time of attendance of grand jurors at each and every superior court of law.—A bill to amend an act, intituled, 'An act to regulate and ascertain the several officers fees therein contained, passed at Knoxville, September 29, 1794.—A bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, and laying off a town in said county; endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time and returned.

The petition of sundry inhabitants of Sevier county praying the establishment of a court-house, prison and stocks in said county, endorsed, read and refered to the committee of propositions and grievances, was read and concurred with.

A bill to divide Knox county; endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was on motion rejected.

On motion of Mr. Kelly and seconded, the yeas and nays were taken.

Yeas—Messrs. Cocke, Tipton, Kelly, Taylor, and Wear.

Nays—Messrs. M'Min, Doherty, Landers, Beaird, Ford, and Hardiman.

—Yeas 5—Nays 6.

A petition from sundry inhabitants of Mero district, praying that an act be passed to suppress horse-racing, was read and refered to the committee of propositions and grievances.

On motion, a bill was presented establishing a town in Sullivan county by the name of Blountville.

Ordered, that this bill be read, which being read the first time was passed and sent to the Council.

Received from the Council, a bill to amend and explain an act of the General Assembly, passed at Knoxville in September, 1794, intituled, 'An act to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures, imposed for the punishment of public offenders, taxes, &c. &c. as directed by the laws of North Carolina, as lays a tax on marriage licences;' endorsed, read the second time and passed.

Ordered, that this bill be read, which being read was passed and returned.

On motion, a bill was presented to alter and establish a line between the counties of Jefferson and Sevier, on the south side of French Broad river.

Ordered, that this bill be read, which being read the first time was passed and sent to the Council.

Resolved, that no petitions nor bills of a private nature will be taken up nor entered upon during the present session of assembly after to-morrow.

Ordered, that the above resolution be sent to the Council for their concurrence.

Adjourned until to-morrow 9 o'clock A. M.

TUESDAY, JULY 7, 1795.

Met according to adjournment.

Received from the Council the following report :

Mr. Sevier, from the committee appointed to draw up and present an address to his Excellency Governor Blount, in answer to his address and communication of Tuesday last, reported the following, which being read was concurred with.

To his Excellency William Blount, Esquire, Governor and Commander in Chief in and over the Territory of the United States of America, south of the river Ohio.

SIR,

THE members of the Legislative Council, and of the House of Representatives, beg leave to express to your Excellency their approbation of the object for which they were principally called together ; and feeling convinced that the great body of our constituents, are sensible of the many defects of our present mode of government, and of the great and permanent advantages to be derived from a change and speedy representation in Congress, the General Assembly of this Territory, will, during their present session, endeavour to devise such means as may have a tendency to effect that desirable object, and in doing so, we shall feel happy in meeting with your Excellency's concurrence.

Your Excellency may rest assured, that the tax law will be reviewed, and considered with mature deliberation, and whilst we shall labour to remedy that part of the system which has in its operation appeared to you oppressive and unjust, we shall carefully explain such clause or clauses, upon the true construction and meaning of which doubts have arisen.

We regret, Sir, that the attempt made at our last session to raise a fund for the cutting and clearing a waggon road from South-West-Point to the settlements on Cumberland river, by lottery, has not proved commensurate to the object in view : And while we feel a certainty that the public benefit and convenience will be heightened exceedingly from such a road, we shall strive to extend such legislative aid to that object as the present situation and resources of the Territory may admit of.

To promote the general interest and happiness of the people, will be our first and greatest care ; and in this we harbour not a doubt but that we shall meet with your generous assistance.

We rejoice with your Excellency, that the calamities arising from Indian warfare, have now in a great measure ceased to exist upon our exposed frontiers ; and so long as a remembrance of past sufferings continues, we shall entertain a grateful sense of your Excellency's unwearied and constant struggles to promote a general peace with the Indian tribes ; the good effects of which we now so sensibly experience.

It is to be lamented however, that such is the savage disposition of Indians, and so great their thirst for shedding the blood of white men, that even in times of peace, the lives of our frontier settlers are in a greater or degree insecure ; but when this melancholy truth presents itself to our view, we derive great consolation from the pleasing hope, that the federal government will afford us such defensive protection, which as citizens

of America, we have a right to expect, and the present flourishing situation of American resources, and their brilliant armament authorizes us to look for.

We cannot conclude without expressing our approbation of your Excellency's administration, and a sincere wish that the people of this Territory may long experience your generous and patriotic services, in their favour, and for a continuance of your excellency's public, individual and domestic happiness,

JOHN SEVIER, Chr.

Which being read was concurred with by this house.

On motion, a bill was presented to compel the clerks of the several county courts, registers and rangers, within this Territory to keep their offices at the court-houses of their respective counties.

Ordered, that this bill be read, which being read the first time was passed and sent to the Council.

Received from the Council, a bill to amend an act passed at Knoxville, September the 30th, 1794, intituled, 'An act ascertaining what property in this Territory shall be deemed taxable property, and the method of collecting public taxes,' endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the first time was passed and returned.

Received from the Council, a bill to amend an act, intituled, 'An act to regulate and ascertain the several officers fees therein contained, passed at Knoxville, September 29, 1794, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read was amended, passed and returned.

On motion, a bill was presented to suspend the operation of an act, intituled, 'An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this Territory, and providing for the widows and orphans of such as have died.

Ordered, that this bill be read, which being read the first time was passed and sent to the Council.

Received from the Council, a bill to divide the county of Washington into two distinct counties; endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was amended, passed and returned.

On motion, a bill was presented appointing commissioners to erect a court-house, prison and stocks in the county of Sevier, and to lay out and establish a town in the same.

Ordered, that this bill be read, which being read the first time was passed and sent to the council.

Mr. Tipton from the committee of propositions and grievances, Reported, that the petition of Archibald Fisher and James Reese, praying a redress; also, the petition of sundry inhabitants of Mero district, praying that an act pass to prevent horse racing; likewise, the petition of sundry inhabitants of Knox, Jefferson, and Hawkins counties, praying a division of said counties, ought to be refered to the next General Assembly.

And that the petition of sundry inhabitants of Sevier county, praying

that a court-house, prison and stocks, be erected in said county, is reasonable and that commissioners be appointed to fix on the place.

JOHN TIPTON, Chr.

Concurred with and sent to the Council.

Received from the Council, a resolution of this House, respecting the business of the session; endorsed, concurred with.

Also, a bill appointing commissioners for regulating the town of Greenville, in Greene county.—And a bill to authorise the sheriffs to collect their arrearages in the different counties; endorsed, read the first time and passed.

Ordered, that these bills be read which being read the second time were passed and returned.

The petition of George Gillespie, praying an allowance for his services as sheriff in Washington district, was read and referred to the committee of propositions and grievances, and sent to the Council.

A message from the Council:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur with your proposition in referring the petition of George Gillespie to the committee of propositions and grievances, but propose that a special committee of claims be appointed; and on their part name Mr. Taylor.

Concurred with, and Messrs. Cocke, Landers, and Wear, are appointed on the part of this house.

Received from the Council, a bill to prevent the recovery of money won by horse racing; endorsed, read the first time and passed.

Ordered, that this bill be read which being read the first time was passed and returned.

On motion, a bill was presented to appoint commissioners for the regulation of Clarksville, in Tennessee county.

Ordered, that this bill be read which being read the first time was passed and sent to the Council.

Received from the Council, a bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a court-house, &c. endorsed, 'read the second time and passed.'

And a bill to repeal an act of the General Assembly, entitled, an act to repeal an act requiring persons holding monies arising from fines and forfeitures, &c. endorsed, 'Read the third time and passed.'

Ordered, that these bills be read, which being read, the former was on motion rejected, and the latter read the third time, amended by consent of the Council and ordered to be engrossed.

Received also, a bill declaring in force an act of the General Assembly of North Carolina, passed at Fayetteville, on the first of November, 1790, entitled, an act empowering the county courts to direct the secretary of state to correct certain patents, endorsed, 'Read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Adjourned until to-morrow 9 o'clock, A.M.

WEDNESDAY, JULY 8, 1795.

MET according to adjournment.

Received from the Council a bill to amend an act, passed at Knoxville, Sept. 30, 1794, entitled an act ascertaining what property in this Territory shall be deemed taxable, &c. And a bill limiting the time of attendance of grand jurors, &c. each endorsed, 'read the second time amended and passed.'

Ordered, that these bills be read, which being read were amended, passed the second time and returned.

Received also, a bill to suspend the operation of an act, for the relief of such persons as have been disabled by wounds, &c. And a bill establishing Blountville, in Sullivan county, each endorsed, read the first time and passed.'

Ordered, that these bills be read which being read, were amended, passed the second time, and returned.

Received also, a bill to appoint commissioners to erect a court-house, &c. in the county of Sevier. And a bill to compel the clerks of courts, registers and rangers to keep their offices at the court houses of their respective counties, each endorsed, 'read the first time and passed.

Ordered to be read, which being read, the former was amended, passed the second time and returned, and the latter was, on motion laid over till the next assembly.

And a bill appointing commissioners for the regulation of the town of Greeneville, endorsed, 'read the second time and passed.

Ordered that this bill be read, which being read, was passed the third time and returned.

On motion, ordered, that the determination on Monday, on the bill to divide the county of Knox be rescinded, and that the bill be taken up and reconsidered.

On motion of Mr. Hardiman and seconded, ordered, that the yeas and nays on the question, be entered on the journal.

For reconsidering the bill: Messrs. Cocke, Tipton, Taylor, Kelly, Wear, Rutledge, and Doherty,—Against it, Messrs. M'Min, Hardiman, Ford, Landers, and Beaird.—Yeas 7.—Nays 5.

The said bill to divide Knox county being taken up and read was passed the third time and sent to the Council.

Received from the Council, a bill to appoint commissioners for the regulation of Clarksville, in Tennessee county; endorsed, read the first time and passed: And a bill to prevent the recovery of money won by horse racing; endorsed, read the second time, amended and passed.

Ordered, that these bills be read, which being read the second time, the former was passed and returned, and the latter rejected.

Adjourned until to-morrow, 9 o'clock.

THURSDAY, JULY 9, 1795.

Met according to adjournment.

The committee to whom was referred the report of the treasurer of Washington and Hamilton districts,

Report, that from the statement of the treasurer of returns made from the Clerks of Greene, Hawkins, Jefferson, Sevier and Knox counties, the sum of four thousand two hundred and eighty-seven dollars & four & one half cents arises from taxation out of those counties : That there is a tax yet due on fifty six original grants of sixty-two and a half cents each, registered by the register of Knox county : That the clerk of the superior court of Washington district, reported to him, that the amount of taxes on suits at law, fines and forfeitures, by him received since the first day of June, 1794, until the first day of June, 1795, in part discharge of which amount, he hath produced authenticated certificates for the attendance of members of the last General Assembly, but the sum is not particularized by the treasurer.

Your committee remark, that the treasurer of Mero district as yet, has made no return, neither have the clerks of Davidson, Tennessee, Sullivan, or Washington counties, which neglect is suggested to be occasioned by the sudden and unexpected call of the present General Assembly : Therefore, they are of opinion, a longer time ought to be allowed to the said treasurer and clerks to bring forward their reports.

Your committee beg leave to observe, that the monies arising from the tax levied by the last General Assembly very much exceeds their most sanguine expectations ; and that such will be the state of the treasury department, that the next tax to be levied may be very much lessened, and then be fully commensurate and adequate to defray every expenditure and necessary contingency of our government.

JOHN SEVIER, Chr.

Endorsed, concurred with.

Read, concurred with and returned.

A message from the Council.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council herewith send you a message, which they have this day received from his Excellency Governor Blount, accompanying sundry papers respecting the opening a waggon road from the state of South Carolina to this Territory.

The Council propose appointing a special committee to take into consideration and report on said communications, and on their part have named Messrs. Sevier and Taylor.

Message from the Governor :

Mr. President and Gentlemen of the Legislative Council : and

Mr. Speaker and Gentlemen of the House of Representatives,

I lay before you copies of several papers respecting the opening of a waggon road from Buncombe court house, in North Carolina, to this Territory, a list of which is subjoined, recommending that important subject to your consideration.

WM. BLOUNT.

Ordered, that the following message be sent to the Council :

Mr. President and Gentlemen of the Council :

The House of Representatives concur with your proposition of appointing a special committee to take into consideration the communications of the Governor ; and appoint on their part Messrs. Wear, Cocke, Doherty, and Taylor.

Received from the Council, a bill limiting the time of attendance of grand jurors and constables at the several courts ; endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read the third time was amended, by consent of the Council, passed and ordered to be engrossed.

Also, a bill to alter and establish the line between the counties of Jefferson and Sevier ; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time, was amended, passed and returned.

On motion, a bill was presented to repeal so much of an act, intituled, An act to regulate and ascertain the several officers fees therein contained, passed at Knoxville, September 29, 1794, as respects the fees of the clerks and masters in equity, and establishing other fees in their stead.

Ordered, that this bill be read, which being read the first time, was passed and sent to the Council.

Received from the Council the following bills: A bill to appoint commissioners for the regulation of Clarksville, in Tennessee county—A bill to suspend the operation of an act, intituled, " An act for the relief of such persons as have been disabled by wounds, &c. in the militia of this Territory."—A bill establishing a town in Sullivan county by the name of Blountville.—A bill appointing commissioners to erect a court-house, &c. &c. in the county of Sevier ; each endorsed, read the second time and passed.

Ordered, that these bills be read, which being read the third time were passed and returned.

The committee to whom was refered the petition of George Gillespie, reported, that the prayer of the petition is reasonable, and that he be allowed the sum of one hundred and twenty dollars and fifteen cents, which sum ought to be paid and allowed him by the treasurer in the settlement of his public accounts.

ABRAHAM LANDERS, Chr.

Concurred with, and sent to the Council.

Received from the Council the report of the committee on the petition of George Gillespie, endorsed, concurred with.

Also, a bill providing for the enumeration of the inhabitants of this Territory, endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read the third time was amended, passed and returned.

Resolved, that George Gillespie, sheriff of Washington county, be allowed one hundred and twenty dollars and fifteen cents, for monies expended and services performed as sheriff in Washington district.

Adjourned until to-morrow 9 o'clock.

FRIDAY, JULY 10, 1795.

Met according to adjournment.

Received from the Council, a bill to alter and establish a line between the counties of Jefferson and Sevier, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was amended, passed and returned.

Also, a bill to amend an act passed at Knoxville, September 30, 1794, intituled, "An act ascertaining what property shall be deemed taxable property, &c. endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read the third time was amended by consent of the Council, passed and ordered to be engrossed.

Likewise, a bill to repeal so much of an act, intituled, "An act to regulate and ascertain the several officers fees," &c. passed at Knoxville, Sept. 29, 1794, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time was amended passed, and returned.

Mr. Hardiman who had leave to enter his dissent against the bill providing for the enumeration of the inhabitants of this Territory, entered the following:

1st. It will be leading the people into a change of government, and burdening them with additional taxes, without a certainty of deriving any advantages from it, and which they themselves have not requested.

2d. There are only two sources of revenue, one by travellers and the other by the United States, to enable the people to pay the expenditures of government, both in my opinion inadequate to that purpose.

3d. In taking the census, the travellers may be numbered in each of the counties they travel through, and thereby we may be imposed upon.

THOMAS HARDIMAN.

Ordered, that the following message be sent to the Council,

Mr. President and Gentlemen of the Legislative Council,

The House of Representatives propose that the estimates for the General Assembly be made out until the 11th instant, inclusive, with which they request your concurrence.

Adjourned until to-morrow, 9 o'clock, A.M.

SATURDAY, JULY 11, 1795.

MET according to adjournment.

Received from the Council, a bill to repeal so much of an act, intituled, "An act to regulate and ascertain the several officers fees therein contained, passed at Knoxville, September 29, 1794, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was passed and returned.

Whereas it appears to the General Assembly by the oath of Joseph M'Min, esq. that he drew the certificate granted to William Cocke, esq. for his attendance as a member at the last session of assembly, at Knox-

ville, by direction of said Cocke, and that he has lost or mislaid the same, so that he cannot find it, and that he never delivered it to the said Cocke.

Resolved, that the clerk be directed to make a new certificate for William Cocke, esq. for fifty two dollars and thirty three and one half cents, for his attendance at the last session of Assembly, in lieu of the certificate so lost or mislaid.

Sent for concurrence.

Returned, endorsed, read and concurred with.

Received a message from the Council, concurring with the message of this house with respect to making out the estimates.

Ordered, that the following message be sent to the Council ;

Mr. President and Gentlemen of the Legislative Council :

We propose that the allowance to be made to each member of the General Assembly, per day, be two dollars and fifty cents, and the clerks the same per day as a member, and be allowed the same for stationary and engrossing that they were allowed at the last session ; and that each member and clerk be allowed two dollars and fifty cents for every thirty miles riding to and from the assembly ; and that each doorkeeper be allowed two dollars for each days attendance, with which we request your concurrence.

Received from the Council, a message concurring with the above.

Resolved, that Baldwin Harle and William L. Lovely, be allowed twenty dollars for drawing and engrossing eight bills.

Sent for concurrence.

Received also, a resolution of this house in favor of Baldwin Harle and William L. Lovely, endorsed, read and concurred with.

Received from the Council the following report :

Your committee to whom was referred the resolution of the assembly of South Carolina, together with Governors Vanderhorst's and Blount's letters, on the subject of cutting and opening a road thro' the Eastern mountains, report the following resolution :

Resolved, That his Excellency Governor Blount be authorised and directed to appoint three commissioners, to meet the three commissioners appointed by the state of South Carolina, to deliberate and consult on measures for the purpose of cutting and opening a road through the eastern mountains, and report unto our next general assembly the result of their conference ; also, the practicability and probable expence of cutting and opening the said road, the nearest and best rout through the mountains—That the Governor, also, be authorised and empowered to draw a sum out of the treasury, not exceeding one hundred dollars, for the purpose of defraying the necessary expences of said commissioners. Which is submitted. Endorsed, concurred with, which being read was concurred with.

Received from the Council the following resolution :

Resolved, that George Roulstone and William Macklin be allowed thirty-five dollars for drawing and engrossing fourteen bills ; read and concurred with.

A message from the Council.

Mr. Speaker and Gentlemen of the House of Representatives,

The business being about to be brought to a close this evening, we pro-

pose that a message be sent to the Governor informing him of the same, and request to be prorogued ; that a member from each house wait on him accordingly, and appoint Mr. Taylor on their part.

Concurred with, and Mr. Cocke appointed on the part of this house.

Received from the Council, a resolution allowing John Stone ten dollars, for the use of his house ; read and concurred with.

Resolved, that it is the sense of this house, that James White, esq. elected at the last session of the General Assembly to represent this Territory, in the Congress of the United States, was elected to represent the Territory in Congress during the existence of the temporary government.

Received from the Council, a resolution of this house respecting the election of James White, endorsed, read and concurred with.

A message from the Governor.

William Blount, Governor, in and over the Territory of the United States of America, south of the river Ohio,

To the President and Gentlemen of the Legislative Council, and

The Speaker and Gentlemen of the House of Representatives :

The business of this session being completed, the General Assembly is prorogued *sine die*.

Given under my hand and seal, at Knoxville, July 11, 1795.

WILLIAM BLOUNT,

By the Governor,

THOMAS H. WILLIAMS, *Pro Sec'y*.

Estimate of the wages of the House of Representatives, clerks and door-keepers, at a session commencing June 29, 1795, and ending July 11, 1795, allowing two dollars and fifty cents per day for each member and clerk, and two dollars for the door-keepers, and two dollars and fifty cents for every thirty miles riding to and from the assembly, to the members and clerks, also, their ferriages.

| | <i>Days.</i> | <i>Ferries.</i> | <i>Miles.</i> | <i>Dolls.</i> | <i>Cents.</i> |
|---|--------------|-----------------|---------------|---------------|---------------|
| Joseph Hardin, | 13 | 2 | 150 | 45 | 16 2-3 |
| George Doherty, | 13 | 2 | 60 | 37 | 66 2-3 |
| William Cocke, | 13 | 2 | 100 | 41 | 16 2-3 |
| John Tipton, | 13 | 2 | 218 | 50 | 79 |
| Leeroy Taylor, | 13 | 2 | 200 | 49 | 32 2-3 |
| James Ford, | 13 | 4 | 460 | 71 | 52 |
| Joseph M' Min, | 13 | 2 | 170 | 46 | 99 1-3 |
| Alexander Kelly, | 13 | 2 | 25 | 34 | 74 2-3 |
| Thomas Hardiman, | 13 | 6 | 370 | 64 | 7 |
| Abraham Landers, | 13 | 4 | 350 | 62 | 16 |
| Samuel Wear, | 12 | 2 | 60 | 35 | 16 2-3 |
| George Rutledge, | 11 | 2 | 240 | 47 | 32 1-3 |
| John Beaird, | 13 | 0 | 30 | 35 | |
| Baldwin Harle, clerk, | 13 | 2 | 200 | 49 | 32 2-3 |
| Do. for stationary and en- } grossing, } | | | | 35 | |
| Wm. L. Lovely, clerk, | 13 | 2 | 200 | 49 | 32 2-3 |
| Do. for stationary and en- } grossing, } | | | | 35 | |
| R. Mynat, doorkeeper, | 13 | | | 26 | |

Dollars, 815 74 2-3

Ordered, that the Honorable Speaker sign the Journal of this house, as the proceedings thereof, and that the clerk attest the same.

JOSEPH HARDIN, S. H. R.

Test.—*Baldwin Harle*, C. H. R.

JOURNAL
OF THE
PROCEEDINGS
OF A
CONVENTION

BEGAN AND HELD

AT KNOXVILLE, JANUARY 11, 1796.

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE, 1796.

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1852.

ORDERED TO BE RE-PRINTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE, OF 1851-'2.

JOURNAL

OF THE

PROCEEDINGS OF A CONVENTION, began and held at KNOXVILLE, on the *eleventh* day of JANUARY, *one thousand seven hundred and ninety six*, for the purpose of forming a CONSTITUTION, OR FORM OF GOVERNMENT, for the permanent government of the People.

THE following members appeared, produced their credentials, and took their seats, *to wit*.

David Craig, James Greenaway, Joseph Black, Samuel Glass, from the county of *Blount*.

John M'Nairy, Andrew Jackson, James Robertson, Thomas Hardeman, Joel Lewis, from the county of *Davidson*.

Samuel Frazier, Stephen Brooks, William Rankin, John Galbreath, Eli-sha Baker, from the county of *Greene*.

James Berry, Thomas Henderson, Joseph M'Minn, William Cocke, Richard Mitchell, from the county of *Hawkins*.

Alexander Outlaw, Joseph Anderson, George Doherty, James Roddye, Archibald Roan, from the county of *Jefferson*.

William Blount, James White, Charles M'Clung, John Adair, from the county of *Knox*.

George Rutledge, William C. C. Claiborne, John Shelby, jun. John Rhea, Richard Gammon, from the county of *Sullivan*.

Peter Bryan, Samuel Wear, Spencer Clack, John Clack, Thomas Buckenham, from the county of *Sevier*.

Thomas Johnston, James Ford, William Fort, Robert Prince, William Prince, from the county of *Tennessee*.

Landon Carter, John Tipton, Leeroy Taylor, James Stuart, Samuel Handley, from the county of *Washington*.

The house proceeded to the choice of a president, his excellency William Blount was unanimously chosen, and conducted to the chair.

The house then proceeded to the election of a secretary; William Mac-lin was unanimously chosen.

Also, to a reading and engrossing clerk, when John Sevier, jun. was elected by a majority of the house.

Then to the appointment of a door-keeper, and chose John Rhea.

On motion of Mr. White, seconded by Mr. Roddye, Ordered, that this Convention commence to-morrow with prayer and a sermon, to be delivered by the Rev. Mr. Carrick.

On motion of Mr. White, seconded by Mr. Carter, Ordered, that Messrs. White and Adair have leave of absence to-morrow.

On motion of Mr. Robertson, seconded by Mr. Fort, Resolved, that a committee be appointed to report what rules are necessary to be observed in doing business during the session of Convention; and that Messrs. Anderson, M'Nairy, Tipton, Claiborne, and Johnson compose the same.

Adjourned till to-morrow 10 o'clock, A. M.

TUESDAY, JANUARY 12, 1796.

Met according to adjournment.

SEVERAL members from Sumner, viz. David Shelby, Isaac Walton, Daniel Smith, William Douglass, and Edward Douglass, appeared, produced their credentials, and took their seats.

Mr. Tipton, from the committee appointed to report what rules are necessary to be observed in doing business during the session of Convention, reported as follows:

- I. When the President is in the chair, every member may sit in his place with his head covered.
- II. Every member shall come into the house uncovered, and shall continue so at all times, but when he sits in his place.
- III. The President having taken the chair, and a majority of the members being present, the Secretary shall read the journal of the preceding day, in order that any mistake may be corrected, that may have been made in the entries.
- IV. While the journal, or public papers are reading, or when any member is speaking, there shall be no interruption; nor shall any member read any printed paper, but the attention of the Convention is expected.
- V. Every member, when he speaks, shall, standing in his place, address himself to the President or Chairman, as the case may be, who shall give his attention by naming the members.
- VI. If two or more members rise to speak at the same time, the President shall determine which shall speak first.
- VII. When any motion shall be before the house, and not properly understood, the President may explain, but shall not attempt, in such explanation, to sway the house by argument or debate.
- VIII. A member digressing from the subject, or using personal observations or reflections, may be called to order by the President, Chairman, or any member of the house.
- IX. All motions to be committed to writing, and seconded, and handed to the President, before the same can be considered in possession of the house, except a motion of course.

- X. No question shall be put upon a motion, unless seconded.
- XI. No member to speak more than twice, without leave of the house, to the same question, unless in a committee of the whole.
- XII. When a question is before the Convention, no motion shall be received, unless for an amendment, for the previous question, or to commit, or to adjourn.
- XIII. On motion, any member shall have the privilege of entering his dissent against any of the proceedings of the house; and the yeas and nays, on any question, shall be taken and entered on the journal, on motion for that purpose made and seconded.
- XIV. No member to depart the service of the house without leave.

On motion of Mr. Carter, seconded by Mr. Rhea, Resolved, that the following article be added as an amendment to the above rules:

That the President of this Convention, with leave of the house, shall have privilege to speak upon any subject proposed, agreeably to the rules established by the house—provided he speaketh before the arguments of the house are gone through.

James Houston, a member from the county of *Blount*, appeared, produced his credentials, and took his seat.

On motion of Mr. Claiborne, seconded by Mr. Rutledge—Resolved, that economy is an amiable trait in any government, and that in fixing the salaries of the officers thereof, the situation and resources of the country should be attended to.

Resolved, that Ten Shillings and Six Pence, Virginia currency, per day, to every member is a sufficient compensation for his services in the convention, and One Dollar for every thirty miles they travel, in coming to and returning from the convention; and that the members pledge themselves, each one to the other, that they will not draw a greater sum out of the public treasury.

It was then moved by Mr. Rhea, and seconded by Mr. Carter, that the above resolution be amended by striking out the words, Ten Shillings and Six Pence, Virginia currency, and insert, in lieu, the words One Dollar and Fifty Cents.

A motion was then made by Mr. Anderson, seconded by Mr. Fort, for postponing the above resolution, as amended, which was determined in the negative.

The question was then put, upon the motion, as amended, and determined unanimously in the affirmative.

On motion of Mr. Roan, seconded by Mr. Fort, Resolved, that a committee of privileges and elections be appointed; and that Messrs. Greenaway, Robertson, Frazier, Berry, Doherty, Adair, Gammon, Walton, Clack, Ford, and Stuart compose the same.

On motion of Mr. Robertson, seconded by Mr. Ford—Resolved, that the house proceed to appoint a committee of two members from each county, to draft a constitution, and that each county name their members.—Messrs. Craig and Black were nominated for the county of *Blount*. Messrs. M'Nairy and Jackson for the county of *Davidson*. Messrs. Frazier and Rankin for the county of *Greene*. Messrs. Cocke and Henderson for the county of *Hawkins*. Messrs. Anderson and Roddye for the county of *Jefferson*. Messrs. Blount and M'Clung for the county of *Knox*. Messrs.

Claiborne and Rhea for the county of *Sullivan*. Messrs. Shelby and Smith for the county of *Sumner*. Messrs. Wear and John Clack for the county of *Sevier*. Messrs. Johnston and Fort for the county of *Tennessee*. And Messrs. Tipton and Stuart for the county of *Washington*.

Mr. M'Minn moved and was seconded, by Mr. Anderson, that the opinion of the house be taken, whether a bill of rights be prefixed to the constitution. The question was put and determined in the affirmative.

It was then moved by Mr. Claiborne, & seconded by Mr. M'Minn, that the committee appointed to draft a constitution or form of government, be instructed to present to this house, at as early a period as possible, a declaration, or bill of rights, to be prefixed to the constitution; which was determined in the affirmative.

On motion of Mr. Outlaw, seconded by Mr. Johnston, that the legislature consist of two houses.

It was then moved by Mr. Cocke, seconded by Mr. Outlaw, that the above motion be postponed until the committee appointed to draft the constitution, shall have reported the bill of rights; which was agreed to.

Adjourned till to-morrow, 10 o'clock, A. M.

WEDNESDAY, JANUARY 13, 1796.

Met according to adjournment.

And adjourned till to-morrow one o'clock, P. M.

THURSDAY, JANUARY 14, 1796.

Met according to adjournment.

JOHN CRAWFORD, a member from the county of *Knox*, appeared, produced his credentials, and took his seat.

On motion of Mr. Anderson, seconded by Mr. M'Minn, Resolved, that it be a standing rule, that the President adjourn the Convention every day at three o'clock, without motion, except the Convention be previously adjourned on motion.

On motion of Mr. M'Minn, seconded by Mr. Cocke, Resolved, that it is the sense of this Convention, that the journal of their proceedings and the constitution, including the bill of rights, be published as early as practicable, for the information of the people; and to this end the Secretary of this Convention is instructed to furnish the Printer, George Roulstone, with a daily copy of the journal, and with a copy of the constitution, including the bill of rights, as soon as it may be formed.

On motion of Mr. Roan, seconded by Mr. Tipton, Resolved, that the Secretary of this Convention deliver the certificates of the election of the several members to the committee of privileges and elections; and that in case where there is any doubt, they be directed to report specially.

On motion of Mr. Anderson, seconded by Mr. Lewis, Resolved, that Messrs. Stuart and Frazier be withdrawn from the committee of privileges and elections, and that Messrs. Carter and Brooks be added in lieu.

Adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, JANUARY 15, 1796.

Met according to adjournment.

On motion of Mr. Carter, and seconded by Mr. Tipton, Resolved, that a committee of two be appointed to examine the copies of the journal daily, to be delivered by the Secretary to the Printer, and that Mr. Carter and Mr. Gammon compose the same.

Mr. Smith, Chairman of the committee appointed to draft a constitution, presented to the Convention, a draft of a bill of rights, to be prefixed to the constitution.

On motion made by Mr. Claiborne, and seconded by Mr. Johnston, Resolved, that the convention resolve itself into a committee of the whole convention, to take under consideration the draft of a bill of rights, to be prefixed to the constitution. The convention resolved itself into a committee of the whole accordingly, and chose Mr. Robertson, Chairman; and after some time spent therein, Mr. President resumed the chair, and Mr. Chairman reported, that the committee had made some progress on the business referred to them; but not having time to complete the same, desired leave to sit again to-morrow.

Ordered, that the committee have leave to sit again to-morrow.

Adjourned till to-morrow 10 o'clock, A. M.

SATURDAY, JANUARY 16, 1796.

Met according to adjournment.

The order of the day, for taking into further consideration a draft of the bill of rights to be prefixed to the constitution, being called for.

Resolved, that the convention resolve itself into a committee of the whole convention, to take under further consideration a draft of the bill of rights.

The convention resolved itself into a committee of the whole accordingly. Mr. Robertson in the chair; after some time spent therein, Mr. President resumed the chair and Mr. Robertson reported, that the committee had gone through the business referred to them.

On motion of Mr. Rhea, seconded by Mr. Anderson, resolved, that the Secretary do furnish the Printer with the draft of the bill of rights, to be prefixed to the constitution, and direct him to strike off fifty five copies of it for the use of the members, as soon as may be.

On motion of Mr. Roddy, seconded by Mr. Rhea, resolved, that two members be appointed to contract with the Printer, to print the proceedings of the convention, and Mr. Roddy and Mr. Robertson were appointed for that purpose.

Ordered, that Messrs. Craig and Berry have leave of absence till Monday and Mr. Rutledge till Tuesday.

Mr. Doherty, Chairman of the committee of privileges and elections, reported, that they have examined the returns from the counties of Blount, Davidson, Greene, Jefferson, Knox, Sevier, Sumner, Sullivan, Washington, and Tennessee, and are of opinion they are satisfactory.

The committee are also of opinion, that the certificates of elections of

Messrs. M'Minn, Cocke, Berry, and Mitchell from the county of Hawkins are satisfactory.

They also find, from information of James Berry, esq. that he was present at the close of the election for the county of Hawkins, and heard the presiding officer of said election, proclaim, that Thomas Henderson, was duly elected to represent the said county; and therefore are of opinion that the said Thomas Henderson has a right to hold his seat as a member of this convention, which report being read was concurred with.

Adjourned till Monday 10 o'clock, A. M.

MONDAY, JANUARY 18, 1796.

Met according to adjournment.

ON motion of Mr. Roan, seconded by Mr. Rutledge, resolved, that the committee appointed to contract with the Printer be directed to proceed no farther on that business, and that an estimate be made of the expences of printing, be laid before the next General Assembly.

On motion of Mr. Roan, seconded by Mr. Carter, resolved, that it shall be the duty of the President or Chairman to call gentlemen spectators, appearing among the members, when in session, by name, and to desire them to withdraw to the seats assigned them.

The convention having under consideration the bill of rights, to be prefixed to the constitution, a motion was made by Mr. Jackson, and seconded by Mr. Anderson, that the thirty-first section of the bill of rights be amended, by inserting 'and the right of soil,' immediately after 'sovereignty.'—This proposed amendment was objected to; where upon the yeas and nays were called for by Mr. Jackson, and seconded by Mr. Anderson, which are as follows, to wit:

YEAS.

Messrs. Frazier, Brooks, Jackson, Hardeman, Barry, Outlaw, Anderson, Doherty, Roddy, David Shelby, William Douglass, Bryan, Wear, Johnston, Fort, Ford, Robert Prince, William Prince, Handley, Galbreath and Taylor.

NAYS.

Messrs. Craig, Greenaway, Black, Houston, M'Nairy, Robertson, Lewis, Rankin, Baker, M'Minn, Henderson, Cocke, Mitchell, Roan, White, Blount, M'Clung, Adair, Crawford, Rutledge, Claiborne, John Shelby, Jun., Rhea, Walton, Edward Douglass; Smith, Spencer Clack; John Clack, Buckingham, Tipton, Carter, Stuart, and Glass.

On motion made by Mr. Outlaw, and seconded by Mr. Claiborne, resolved, that the convention resolve itself into a committee of the whole convention, to take under consideration whether the legislature consist of two houses. The convention resolved itself into a committee of the whole, accordingly, and chose Mr. Robertson, Chairman; and after some time spent therein, Mr. President resumed the chair and Mr. Chairman reported that the committee had gone through the business referred to them, and are of the opinion that the legislature ought to consist of two houses.

Mr. Anderson moved and was seconded by Mr. Brooks, that the part of the thirty-first section of the bill of rights immediately after 'sovereign-

ty,' be struck out, and insert in lieu 'and right of soil so far as is consistent with the constitution of the United States, recognizing the articles of confederation, the bill of rights and constitution of North Carolina, the cession act of the said state, and the ordinance of the late Congress, for the government of the Territory North-West of the Ohio; provided, nothing herein contained shall extend to effect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act,' which was unanimously agreed to.

On motion by Mr. M'Nairy, and seconded by Mr. Cocke, resolved, that the convention resolve itself into a committee of the whole convention, to take under consideration whether the two branches in the legislature shall consist of equal numbers and of equal powers, and if the whole numbers elected should be odd, then by ballot to determine to which house the odd member belongs.

The convention resolved itself into a committee of the whole accordingly, and chose Mr. Robertson, Chairman, and after some time spent therein, Mr. President resumed the chair, and Mr. Chairman reported, that the legislative power be vested in two houses of equal numbers and equal powers.

Adjourned till to-morrow, 10 o'clock, A.M.

TUESDAY, JANUARY 19, 1796.

Met according to adjournment.

Mr. Roan moved for leave and presented a petition from sundry persons, suggesting several clauses which they wished to be inserted in the constitution; which was read and referred to the committee appointed to draft a constitution.

Mr. Cocke moved, and was seconded by Mr. Lewis, that the convention concur with the report of the committee who had under consideration whether the legislative power consist of two branches of equal numbers and of equal powers.

Mr. Outlaw moved, and was seconded by Mr. Berry, that the above question be postponed; which was agreed to.

On motion of Mr. M'Nairy seconded by Mr. Rhea, the convention resolved itself into a committee of the whole convention, to reconsider the report of the committee of yesterday to wit:

That the legislative power be vested in two houses of equal numbers and powers, and after some time spent therein, Mr. President resumed the chair, and Mr. Robertson, Chairman of the committee, reported, that the committee had according to order reconsidered the said report, and made several amendments thereto, which he delivered in at the Secretary's table, where the same was read as follows, in lieu of the words, 'two houses' insert 'one house of representatives;' and that no bill or resolution shall be passed unless by two thirds of the whole number of members present.

On motion of Mr. Rhea, seconded by Mr. Claiborne, the convention concurred in the said report.

Mr. Cocke moved, and was seconded by Mr. Henderson, that the order

for appointing a committee to draft a constitution be rescinded, and that a less number be appointed for that purpose, which passed in the negative.

Adjourned till to-morrow, 10 o'clock, A.M.

WEDNESDAY, JANUARY 20, 1796.

Met according to adjournment.

On motion of Mr. Roddye, seconded by Mr. Fort, the convention resolved itself into a committee of the whole convention, to reconsider the report of committee of yesterday, to wit, that the legislative power be vested in a house of representatives, and that no bill or resolution shall be passed unless by two thirds of the whole number of the members present: and after some time spent therein, Mr. President resumed the chair, and Mr. Robertson, Chairman of the committee, reported, that the committee had according to order re-considered the said report, and made several amendments thereto; which are as follows: That in lieu of a house of representatives, the legislature shall consist of two branches, a senate and house of representatives, organized upon the principles of the constitution of North Carolina, to be elected once in two years; and that the members of each house be elected by the same electors, and that the qualification of the members of each house be the same, until the next enumeration of the people of the United States, and then to be represented by numbers, retaining the principle of two representatives to one senator; provided the ratio shall be such as that both shall not exceed forty, until the numbers of the people exceed two hundred thousand, and that the number shall never exceed sixty.

Mr. Cocke, moved and was seconded by Mr. Jackson, that the convention concur in said report.

It was then moved by Mr. Outlaw, and seconded by Mr. Greenaway, that the above question be postponed, which passed in the negative.

The first question was then put and carried in the affirmative.

On motion, ordered that Messrs. Greenaway and Houston have leave of absence till Friday.

Mr. Anderson moved, and was seconded by Mr. Walton, that the report of the committee be amended by striking out the word senate, which passed in the negative.

It was then moved by Mr. Claiborne, and seconded by Mr. Carter, that the said report be amended as follows; that the senate have only a qualified negative, and that a bill, notwithstanding their dissent, shall become a law, provided two thirds of the house of representatives concur in its passage; which passed in the negative.

Adjourned till to-morrow 10 o'clock, A.M.

THURSDAY, JANUARY 21, 1796.

Met according to adjournment.

On motion, the convention adjourned till Saturday 10 o'clock, A.M.

SATURDAY, JANUARY 23, 1796.

Met according to adjournment.

On motion of Mr. M'Clung, seconded by Mr. Rhea, Resolved, that the secretary, furnish the Printer with the copy of a draft of the constitution, and direct him to strike off fifty-five copies of it, for the use of the members.

Adjourned till Monday 10 o'clock, A. M.

MONDAY, JANUARY 25, 1796.

Met according to adjournment.

Adjourned till to-morrow 2 o'clock, P. M.

TUESDAY, JANUARY 26, 1796.

Met according to adjournment.

Adjourned till to-morrow, 10 o'clock, A. M.

WEDNESDAY, JANUARY 27, 1796.

Met according to adjournment.

Mr. Smith, Chairman of the committee appointed to draft a constitution, reported the same, which was delivered in at the secretary's table, and read.

Adjourned till to-morrow 10 o'clock A. M.

THURSDAY, JANUARY 28, 1796.

Met according to adjournment.

On motion of Mr. Roan, seconded by Mr. Houston, the convention resolved itself into a committee of the whole convention to take under consideration the draft of a constitution, and after some time spent therein, Mr. President resumed the chair, and Mr. Robertson, Chairman of the committee, reported that the committee had made progress in the business referred to them, but not having time to complete the same, desired leave to sit again to-morrow.

Ordered, that the committee have leave to sit again to-morrow.

Adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, JANUARY 29, 1796.

Met according to adjournment.

The order of the day for taking under further consideration the draft of a constitution, being called for, the convention resolved itself into a committee of the whole, to take under further consideration the draft of a con-

stitution, and after some time spent therein, the committee rose. The President being absent, Mr. Smith was appointed President, *pro tempore*, and took the chair; and Mr. Robertson, chairman of the committee, reported progress, and desired leave to sit again to-morrow.

Ordered, that the committee have leave.

Adjourned till to-morrow 10 o'clock, A. M.

SATURDAY, JANUARY 30, 1796.

Met according to adjournment.

The order of the day for taking under further consideration the draft of a constitution being called for,

The convention resolved itself into a committee of the whole, to take under further consideration the draft of a constitution, and after some time spent therein, Mr. President, *pro tempore*, resumed the chair, and Mr. Robertson, Chairman of the committee, reported, that they had gone through the business referred to them and delivered in at the secretary's table the following:

WE, the People of the Territory of the United States south of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the constitution of the United States, and also the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north west of the river Ohio, do ordain and establish the following constitution, or form of government; and do mutually agree with each other to form ourselves into a free, sovereign, and independent state, by the name of *The State of TENNESSEE*.

ARTICLE I.

SECTION 1. The legislative authority shall be vested in a general assembly, composed of two distinct branches, both dependent on the people, to wit:—A senate, to consist of one member, and a house of representatives of two members for each county, for sixteen years, counting from the commencement of the second session, to be held under this constitution; and after that period, representation shall be regulated according to numbers, to be apportioned to each county, by law, upon said ratio, as that the number of senators and representatives (retaining the principle of two representatives to one senator) shall not exceed thirty-nine, until the number of free white persons shall be two hundred thousand, and after that event, upon such a ratio as that the whole number of senators and representatives shall never exceed sixty.

SEC. 2. The first election for senators and representatives, shall commence on the Thursday of next, and shall continue for that and the succeeding day; and the next election shall commence on the first Thursday of 179 , and shall continue on that and the succeeding day; and forever after elections shall be held once in two years, commencing on the day in and terminating the succeeding day.

SEC. 2. The first session of the general assembly shall commence on the day next. The second on the

day of . And forever
after, the general assembly shall meet on the day of
next ensuing the then election, and at no other
period, unless as provided for by this constitution.

SEC. 4. That no person shall be eligible to a seat in the general assembly who has not resided three years in the state, and one year in the county immediately preceding his election, and shall have attained to the age of twenty-one years, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than two hundred acres of land.

SEC. 5. That the senate and house of representatives, when met, shall each choose a speaker and other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. Two thirds of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law, to compel the attendance of absent members.

SEC. 6. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not the second time for the same offence, and shall have all powers necessary for the legislature of a free state.

SEC. 7. Senators and representatives, shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 8. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence, or who, during the time of its sitting, shall threaten the body or estate of any member, for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person, ordered to attend the house, in his going to, or returning therefrom, or who shall rescue any person arrested by order of the house.

SEC. 9. Bills may originate in either house, but may be amended, altered, or rejected by the other.

SEC. 10. Neither house shall, during their session, adjourn without consent of the other, for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 11. When vacancies happen in either house, the governor, for the time being, shall issue writs of election to fill such vacancies.

SEC. 12. Every bill shall be read three times, on three different days, in each house, and be signed by the speakers thereof, before it becomes a law.

SEC. 13. After a bill has been rejected, it shall not be passed into a law during the same session.

SEC. 14. Each house shall keep a journal of its proceedings, and publish them, except such parts as the welfare of the state may require to be kept secret. And the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journals.

SEC. 15. The doors of each house, and committees of the whole, shall

be kept open, unless when the business shall be such as ought to be kept secret.

SEC. 16. Each member of the general assembly shall receive from the public treasury, a compensation for his services, of one dollar and fifty cents per day, during his attendance at any session of the general assembly, and one dollar and fifty cents for every twenty five miles he shall travel, in going to and returning from the same; but the same may be increased or diminished by law, if circumstances shall require: but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

SEC. 17. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

SEC. 18. No person who heretofore hath been, or hereafter may be a holder or collector of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

SEC. 19. No judge of any court of law or equity, secretary of state, attorney general, or clerk of any court of record, shall have a seat in the general assembly; nor shall any person, in this state, hold more than one lucrative office at one and the same time; provided, that no appointment in the militia or to the office of a justice of the peace, shall be considered as a lucrative office.

SEC. 20. No member of the general assembly shall be eligible to any office or place of trust, where the power of appointment to such office or place of trust, is vested in their own body.

SEC. 21. Any member of either house of the general assembly, shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

SEC. 22. All lands held in this state, by deed or grant, shall be taxed equal and uniform, in such manner, that no one hundred acres shall be taxed higher than another, except town lots, and no town lot or free man, shall be taxed higher than one hundred acres, and no slave higher than two hundred acres of land for each poll.

ARTICLE II.

SEC. 1. The supreme executive power of this state shall be vested in a governor.

SEC. 2. The governor shall be chosen by the electors of the members of the general assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of both houses of the general assembly. The person having the highest number of votes, shall be governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor, by joint ballot of both houses of the general assembly. Contested elections for governor, shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 3. He shall be at least thirty years of age, and possess a freehold

estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public business of the United States, or of this state.

SEC. 4. The governor shall hold his office during the term of two years, from the fourth Tuesday in September next ensuing his election.

SEC. 5. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

SEC. 6. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 7. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

SEC. 8. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

SEC. 9. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 10. He may on extraordinary occasions, convene the general assembly by proclamation, and shall, when met, state to them the purpose for which they shall have been convened.

SEC. 11. He shall take care that the laws shall be faithfully executed.

SEC. 12. In case of his death, or resignation, or removal from office, the speaker of the senate shall exercise the office of governor until another governor shall be duly qualified; and if the trial of a contested election shall continue longer than the fourth Tuesday of September, next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the execution of the supreme executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

SEC. 13. A secretary of this State shall be appointed and commissioned during the term of four years.——He shall keep a fair register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined on him by law.

SEC. 14. The governor shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

SEC. 15. When any officer, the right of whose appointment is by this constitution vested in the general assembly, shall, during the recess, die or his office by other means become vacant, the governor shall have power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the legislature.

SEC. 16. There shall be a seal of this state, which shall be kept by the governor, and used by him as occasion may require, and shall be called the great seal of the state of Tennessee.

SEC. 17. All grants and commissions shall be in the name and by the authority of the state of Tennessee, and be sealed with the state seal, and signed by the governor.

ARTICLE III.

SEC. 1. All freemen of the age of twenty one years and upwards, possessing a freehold in the county where he may vote, and being an inhabitant of this state, and all freemen, who have been inhabitants of any one county within the state six months immediately preceding the day of election, shall be entitled to vote for members of the general assembly, for the county in which they shall respectively reside.

SEC. 2. Electors shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

SEC. 3. All elections shall be by ballot.

SEC. 4. Balloting, by the people, shall be conducted under the inspection of two justices of the peace, to be summoned by the sheriff for that purpose; and that no ticket shall be counted, unless it contains as many names as there are persons to be elected.

ARTICLE IV.

SEC. 1. The house of representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation.

SEC. 3. No person shall be convicted without the concurrence of two thirds of the members of the whole house.

SEC. 4. The governor, and all civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this state.—The party shall, nevertheless, in all cases be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

SEC. 1. The judicial power of the state shall be vested in a superior court, which shall consist of three judges; in a court of pleas and sessions, and in such other courts as the legislature may, in future, conceive necessary to be established.

SEC. 2. The judges of the superior courts of law shall, besides the power with which, as a court of law, they shall be vested, also have the power of a court of chancery; but the legislature may, when the finances of the state will admit, divest the judges of the superior courts of law, of their equity jurisdiction, and constitute a court of chancery with all the powers incident to such court, and appoint a chancellor or chancellors for the state.

SEC. 3. The judges of the superior courts, shall by virtue of their office, be justices of oyer and terminer and general gaol delivery, throughout the state.

SEC. 4. The judges of the superior and inferior courts, which are now, or hereafter shall be established by law, shall not charge juries with respect to matter of fact, but may state the testimony and declare the law.

SEC. 5. The judges of the superior courts shall have power, in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript

thereof, from any inferior jurisdiction into the superior court, on sufficient cause supported by affidavit.

SEC. 6. No judge shall sit on the trial of any cause where the parties shall be connected with him, by affinity or consanguinity, except by consent of parties. That in case all the judges of the superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the state shall in such case specially commission three men, of law knowledge, for the determination thereof.

SEC. 7. All writs and other process, shall run, *In the name of the state of Tennessee*; and bear test, and be signed by the respective clerks. Indictments shall conclude, *Against the peace and dignity of the state*.

SEC. 8. Each court shall appoint its own clerk, who may hold his office during good behaviour.

SEC. 9. No fine shall be laid on any citizen of this state, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact.

SEC. 10. There shall be justices of the peace appointed for each county, not exceeding two for each captain's company, except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behaviour.

ARTICLE VI.

SEC. 1. There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for the term of two years. They shall also have power to appoint one register and one ranger for the county, who shall hold their offices during good behaviour. The sheriff and coroner shall be commissioned by the governor.

SEC. 2. There shall be a treasurer or treasurers in the state, appointed by joint ballot of the legislature, who may hold his or their offices for the term of two years.

SEC. 3. The appointment of all officers not otherwise directed by this constitution, shall be vested in the legislature.

ARTICLE VII.

SEC. 1. Captains, subalterns, and non-commissioned officers, shall be elected by those citizens, in their respective districts, who are subject to military duty.

SEC. 2. All field officers of the militia shall be chosen by those citizens in their respective counties who are subject to military duty.

SEC. 3. Brigadier generals shall be appointed by the field officers of their respective brigades.

SEC. 4. Major generals to be elected by the brigadiers and field officers of the respective divisions.

SEC. 5. The governor shall appoint the adjutant general; the major generals shall appoint their aids; the brigadier generals their brigade masters, and the commanding officers of regiments their adjutants and quartermasters.

SEC. 6. The captains and subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the district shall be appointed by the said captains and subalterns, pro-

vided, that whenever any new county is laid off, that the field officers of the said cavalry shall appoint the captain and other officers therein, pro tempore, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

ARTICLE VIII.

SEC. 1. Whereas the ministers of the gospel are, by their professions, dedicated to God and the cure of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall under any pretence or description be eligible to, or capable of holding any civil or military office or place of trust within this state.

SEC. 2. No man belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, shall be liable to be fined for non attendance at general or private musters.

ARTICLE IX.

SEC. 1. That every person, who shall be chosen or appointed to any office of trust or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

SEC. 2. That each member of the senate and house of representatives, shall, before they proceed to business, take an oath or affirmation of fidelity to this state, and also the following oath:

I, A. B. do solemnly swear (or affirm) that as a member of this general assembly, I will in all appointments vote without favor, affection, partiality, or prejudice, and that I will not propose or assent to any bill, vote, or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state.

SEC. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall, directly or indirectly give, promise or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the legislature shall direct.

SEC. 4. The stile of the laws of this state, shall be, *Be it enacted by the general assembly of the state of Tennessee.*

SEC. 5. No article to be manufactured of the produce of this state, shall be taxed otherwise than to pay inspection fees.

SEC. 6. Until a land office shall be opened, so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and pre-emption, those who hold lands by virtue of such claims, shall be eligible to serve in all capacities, where a freehold is by this constitution made a requisite qualification.

SEC. 7. No new county shall be established by the general assembly, which shall reduce the county or counties or either of them, from which it shall be taken, to a less content than six hundred and twenty five square miles. Nor shall any new county be laid off, of less contents. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until

entitled by numbers to the right of representation. No bill shall be introduced, nor passed into a law, for the establishment of a new county, except upon a petition to the general assembly, for that purpose, signed by one hundred of the free male inhabitants of the county or counties from which the new county is prayed to be taken.

ARTICLE X.

SEC. 1. That the first general assembly to be held under the authority of this constitution, shall be at Knoxville, and may adjourn to such place as they may think proper, until the situation of this State will permit the fixing a permanent seat of government, which shall be established as nearly central as convenience will admit.

SEC. 2. All laws now in force and use in this territory, not inconsistent with this constitution, shall continue to be in force, and use in this state, until they shall expire, be altered, or repealed by the legislature.

SEC. 3. The declaration of rights is hereby declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate.

SEC. 4. That whenever two thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the general assembly to be chosen in the same manner, at the same places, at the same time and by the same electors, that chose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution.

SCHEDULE.

That no inconvenience may arise from a temporary to a permanent government, and to prevent any chasm in the change, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue, as if no change had taken place in the administration of government.

The governor, secretary, judges and brigadiers general have a right, by virtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their several departments, until the day of
All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the day of

Adjourned till Monday 10 o'clock, A. M.

MONDAY, FEBRUARY 1, 1796.

Met according to adjournment.

MR. M'Minn moved, and was seconded by Mr. Mitchell, that the bill of rights be read for the last time, which was objected to; and the question being put, it passed in the negative.

It was then moved by Mr. Rhea, and seconded by Mr. Carter, that the convention proceed to take under consideration the constitution, as reported by the committee of the whole convention, which was unanimously agreed to.

Mr. Rhea moved, and was seconded by Mr. Mitchell, that the blank in the second section of the first article, for the first election of members of the general assembly, be filled with the word 'March.'

Mr. Robertson moved, and was seconded by Mr. Cocke, that the above question be postponed, which was determined in the affirmative.

It was then moved by Mr. Outlaw, and seconded by Mr. Anderson, whether it is the sense of this house, that if we should not be admitted by Congress as a member state of the general government, that we should continue to exist as an independent state.

Mr. Cocke then moved, and was seconded by Mr. David Shelby, that the above question be postponed, which was objected to; the question was then put; and carried in the affirmative.

Mr. Fort then moved, and was seconded by Mr. Carter, that the blank in the second section of the first article for the first election of members of the general assembly, be filled with the word 'March,' which was agreed to.

It was then moved by Mr. Rhea, seconded by Mr. Roan, that the blank for the second election be filled with 'August, 1797,' which was agreed to.

On motion of Mr. Rhea, seconded by Mr. Houston, Resolved, that the blank for the commencement of the first general assembly, be filled with the words 'last Monday of March next.'

Mr. Rhea moved, and was seconded by Mr. Lewis, that the blank for the commencement of the second session of the general assembly be filled with the words 'third Monday of September, 1797,' which carried in the affirmative.

Mr. John Shelby moved, and was seconded by Mr. Claiborne, that the 17th section of the first article be stricken out, for the purpose of inserting the following: 'That the legislature of this state shall not allow the following officers of government greater annual salaries than is as follows, until the year 1804, to wit.

The governor not more than 750 dollars.

The judges of the supreme court, not more than 600 dollars.

The Secretary not more than 400 dollars.

The treasurer not more than two and an half per cent for receiving and paying out all monies.

No member of the general assembly, per day, shall receive more than two dollars, and the same for every thirty miles to and from the assembly.'

It was then moved by Mr. Anderson, and seconded by Mr. Outlaw, that the above question be postponed, for the purpose of bringing forward the

following: 'The salaries of the several officers of government shall be as follows, until the year 1800, viz.

The governor, 800 dollars.

The judges of superior court, 700 do.

The secretary, 400 do.

Members of the general assembly, per day, 1 dollar and 75 cents.

The treasurer two and an half per cent. for receiving and paying out all monies,' which passed in the negative.

Mr. Walton then moved, and was seconded by Mr. D. Shelby, that the original motion be postponed, for the purpose of bringing forward the following:

'The salaries of the several officers of government shall not be altered by the legislature so as to exceed the sums hereinafter enumerated, prior to the year 1804, to wit: To the governor, 700 dollars per annum; to each of the judges of the superior court, 500 dollars; to the secretary of state, 400 dollars; to each member of the legislature, 1 dollar and 50 cents per day, and the same for every twenty five miles he travels in going to, and returning from the general assembly; to the treasurer two and an half per cent;,' which passed in the negative.

The first question was then called for, put, and carried in the affirmative.

It was then moved by Mr. Roddy, and seconded by Mr. D. Shelby, that the words 'two dollars' be stricken out, to insert 'one dollar and seventy five cents;,' which passed in the negative.

Mr. Walton moved, and was seconded by Mr. D. Shelby, that the words 'six hundred dollars to each judge,' be stricken out, which passed in the negative.

Mr. M'Minn moved, and was seconded by Mr. Fort, that the words 'town lots' in the twenty second section of the first article, be stricken out, which passed in the negative.

Mr. M'Minn then moved, and was seconded by Mr. D. Shelby, that the twenty-second section of the first article be stricken out, which passed in the negative.

Mr. Outlaw moved, and was seconded by Mr. Cocke, that the word 'thirty' in the third article of the second section be stricken out, to insert 'twenty-five' which was agreed to.

Mr. Outlaw moved, and was seconded by Mr. Roan, that the second section of the fourth article be stricken out, for the purpose of inserting in lieu the following:

'The first governor appointed, shall hold his office until the fourth Tuesday of September, 1797, and until another governor shall be elected and qualified to office; and forever after shall hold his office for the term of two years, and until another governor shall be elected and qualified to office; but shall not be eligible to office more than six years in any term of eight.

Mr. Henderson moved, and was seconded by Mr. Berry, that the first section in the third article be stricken out, for the purpose of inserting the following:

'All citizens of this state, possessing a freehold in their own right, and all persons who have done duty in the militia, shall be entitled to vote at

any election, in the county where the freehold lies, or where he resides ; which passed in the negative.

Mr. Outlaw moved, and was seconded by Mr. M'Minn, that all persons liable by law to do militia duty, shall have liberty to vote for members to the general assembly ; which was objected to ; whereupon the yeas and nays were called for by Mr. Rutledge, and seconded by Mr. M'Minn, which are as follows :

YEAS.

Messrs. Craig, Greenaway, Glass, Houston, Black, Galbreath, Berry, M'Minn, Henderson, Cocke, Mitchell, Outlaw, Doherty, Rutledge, Claiborne, Bryan, Wear, Spencer Clack, John Clack, Buckenham, Ford, Tipton, Hanley, Taylor and Carter.

NAYS.

Messrs. M'Nairy, Robertson, Hardeman, Lewis, Frazier, Baker, Brooks, Rankin, Anderson, Roddy, Roan, White, Blount, M'Clung, Adair, Crawford, John Shelby, Rhea, David Shelby, Walton, Wm. Douglass, Edward Douglass, Smith, Johnston, Fort, Wm. Prince, Robert Prince, and Stuart.

Mr. Anderson moved, and was seconded by Mr. M'Minn, that the third section of the third article be stricken out, for the purpose of inserting the following : ' Whereas an opinion hath prevailed among great numbers of good people of this state, that voting at elections *viva voce*, would tend more to the satisfaction and independence of the people than voting by ballot ; to the end, therefore, that a fair experiment be made which of those two methods of voting is to be preferred ; Be it ordained, that all elections hereafter to be held in this state, shall be *viva voce* ; and it is further ordained, that if, after a full and fair experiment shall be made by voting *viva voce*, the same shall be found less conducive to the satisfaction and independence of the citizens than the method of voting by ballot, it shall be lawful and constitutional for the legislature to abolish the same ; provided that a majority of the members present in each house respectively concur therein ; which was objected to ; whereupon the yeas and nays were called for by Mr. Anderson, and seconded by Mr. M'Minn, which are as follows :

YEAS.

Messrs. Black, M'Nairy, Robertson, Hardeman, Lewis, Rankin, Baker, Berry, M'Minn, Henderson, Cocke, Mitchell, Outlaw, Anderson, Doherty, Rutledge, Bryan, Wear, Buckenham, and Hanley.

NAYS.

Messrs. Craig, Greenaway, Glass, Houston, Frazier, Brooks, Galbreath, Roddy, Roan, White, Blount, M'Clung, Adair, Crawford, Claiborne, John Shelby, Rhea, David Shelby, Walton, Wm. Douglass, Edward Douglass, Smith, Spencer Clack, John Clack, Johnston, Fort, Ford, Wm. Prince, Robert Prince, Tipton, Taylor, Carter, and Stuart.

And adjourned till to-morrow 10 o'clock, P. M.

TUESDAY, FEBRUARY 2, 1796.

Met according to adjournment.

Mr. Robertson moved, and was seconded by Mr. Rhea, that the first section of the fifth article be struck out, for the purpose of inserting the following: 'The judicial power of the state, shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish;' which was agreed to.

Mr. Robertson moved, and was seconded by Mr. Rhea, that the second section of the fifth article be struck out, for the purpose of inserting the following: 'The general assembly shall by joint ballot of both houses, appoint judges of the several courts of law and equity, also an attorney or attorneys for the state, who shall hold their several offices during good behaviour;' which carried in the affirmative.

Mr. Robertson then moved, and was seconded by Mr. Rhea, that the following be inserted as the third section of the fifth article, to wit: 'judges of the superior courts shall receive no fees or perquisites of office, other than is allowed by this constitution, or by law, nor hold any other office of trust or profit under this state, or the United States,' which was determined in the affirmative.

Mr. Claiborne moved, and was seconded by Mr. Cocke, that the first section of the eighth article be struck out, which was objected to, whereupon the yeas and nays were called for by Mr. Handley, and seconded by Mr. Galbreath, which are as follows:

YEAS.

Messrs. Jackson, Robertson, Frazier, Rankin, Galbreath, Baker, Cocke, Outlaw, Doherty, Roan, White, Adair, Crawford, Rutledge, Claiborne, Walton, Edward Douglass, Buckenham, William Prince, Tipton, Hanley, Taylor, Carter, and Stuart.

NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, M'Nairy, Hardiman, Lewis, Brooks, Berry, M'Minn, Henderson, Mitchell, Anderson, Roddy, Blount, M'Clung, Gammon, John Shelby, Rhea, David Shelby, William Douglass, Smith, Bryan, Wear, Spencer Clack, John Clack, Johnston, Ford, Fort, and Robert Prince.

Mr. Carter moved, and was seconded by Mr. Jackson, that the words at any time hereafter, under any pretence or description whatever be eligible to, or capable of holding any civil or military office, or place of trust within this state,' in the first section of the eighth article, be struck out, for the purpose of inserting the following; 'be eligible to a seat in either branch of the legislature;', which carried in the affirmative.

Mr. Doherty moved, and seconded by Mr. Roan, that the following be inserted as a section in the constitution: 'No person who publicly denies the being of a God, and future rewards and punishments, or the divine authority of the old and new testament, shall hold any office in the civil department in this state; which was agreed to.

Mr. Carter then moved, and was seconded by Mr. Mitchell, that the words 'or the divine authority of the old and new testament,' be struck out, which was objected to; whereupon the yeas and nays were called for,

by Mr. Doherty, and seconded by Mr. Spencer Clack, which are as follows:

YEAS.

Messrs. M'Nairy, Jackson, Robertson, Hardiman, Lewis, Berry, Henderson, Cocke, Mitchell, Outlaw, Blount, M'Clung, Claiborne, J. Shelby, Rhea, D. Shelby, Walton, W. Douglass, E. Douglass, Smith, Bryan, Buckingham, Ford, Fort, R. Prince, Carter, and Stuart.

NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, Frazier, Brooks, Rankin, Galbreath, Baker, M'Minn, Anderson, Doherty, Roddy, Roan, White, Adair, Crawford, Rutledge, Gammon, Wear, S. Clack, J. Clack, Johnson, Tipton, and Taylor.

On motion of Mr. Johnston, seconded by Mr. Cocke, Resolved, that the order for the President to adjourn the convention at three o'clock, be rescinded.

Adjourned till to-morrow, 10 o'clock, A. M.

WEDNESDAY, FEBRUARY 3, 1796.

Met according to adjournment.

Mr. Adair moved, and was seconded by Mr. Crawford, that the first section of the tenth article be struck out, for the purpose of inserting the following: 'Knoxville shall be the seat of government until the year one thousand eight hundred and four'—which was agreed to.

Mr. Jackson then moved, and was seconded by Mr. Lewis, that the word 'four' in the above mentioned section, be struck out, and the word 'two' inserted in lieu, which was agreed to.

Mr. Anderson moved, and was seconded by Mr. Stuart, that the first blank in the schedule be filled with the words 'government under the authority of this constitution shall be organized.'

Mr. Rhea then moved, and was seconded by Mr. Carter, that the above question be postponed, which carried in the affirmative.

It was then moved by Mr. Rhea, and seconded by Mr. Carter, that the first blank in the schedule be filled as follows: 'said officers are superceded under the authority of this constitution,' which was determined in the affirmative.

Mr. Fort moved, and was seconded by Mr. Black, that the second blank in the schedule be filled as follows: 'second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified' which was carried in the affirmative.

Mr. Fort moved, and was seconded by Mr. Rhea, that the following be inserted as a section in the schedule: 'That the next election for representatives and other officers to be held for the county of Tennessee shall be held at the house of William Miles,' which was carried in the affirmative.

On motion of Mr. Carter, seconded by Mr. M'Clung, the engrossed copy of the bill of rights was taken up, read and passed.

On motion of Mr. Rhea, seconded by Mr. Jackson, Resolved, that the

resolution entered into for prefixing the bill of rights to the constitution, be rescinded.

It was then moved by Mr. Rhea, seconded by Mr. Roan, that the bill of rights be made the eleventh article of the constitution, which carried in the affirmative.

Mr. D. Shelby moved, and was seconded by Mr. W. Douglass, that the first section of the first article be struck out, for the purpose of inserting the following: 'The legislative authority shall be vested in a general assembly composed of two distinct branches, both dependant on the people, to wit: A senate, to consist of one member, and a house of representatives of two members for each county until the end of the second session to be held under the constitution; and after that period representation shall be regulated according to numbers, to be apportioned by law upon such ratio as that the number of senators and representatives retaining the principle of two representatives to one senator, shall not exceed thirty-nine until the number of free white persons shall be two hundred thousand, and after that event upon such ratio as that the whole number of senators and representatives shall never exceed sixty.

Mr. Rhea then moved, and was seconded by Mr. Mitchell, that the above question be postponed, which was agreed to.

On motion of Mr. Rhea seconded by Mr. Carter, resolved, that a committee of three be appointed to draft the first section of the first article, and that Messrs. Anderson, Shelby, and M'Clung compose the same.

Mr. Coker moved, and was seconded by Mr. Jackson, that the fourth section of the first article be struck out, for the purpose of inserting the following; 'that no person shall be eligible to a seat in the general assembly who has not resided three years in this state and one in the county immediately preceding the election, and shall possess in his own right in the county which he represents, not less than two hundred acres of land and shall have attained to the age of twenty one years, which was agreed to.

Mr. Jackson moved, and was seconded by Mr. Robertson, that the eighth section of the first article be amended by striking out the latter part of it, from the word, 'presence,' which carried in the affirmative.

Mr. Outlaw moved, and was seconded by Mr. M'Minn, that the twelfth section of the first article be amended, by inserting the following, to wit: Bills shall originate in either house and pass both houses the first reading for information, and shall also pass both houses the second time for debate and amendments, and shall pass on for the third reading, and if on the third reading, the bill passes the house it originates in; and is rejected in the other, then and in that case, the house that the bill originated in shall convene themselves into the house that rejected the bill, and after fairly investigating the same, the bill shall pass or not pass by a majority of the whole of both houses so convened;' which passed in the negative; whereupon the yeas and nays were called for by Mr. Outlaw, and seconded by Mr. Doherty, which are as follows:

YEAS.

Messrs: Craig, Greenaway, Glass, Houston, M'Nairy, Hardiman, Frazier, Rankin, Galbreath, Baker, M'Minn, Outlaw, Anderson, Doherty, D. Shelby, S. Clack, J. Clack, Buckingham, and Hanley.

NAYS.

Messrs. Black, Jackson, Robertson, Lewis, Brooks, Berry, Henderson, Cocke, Mitchell, Roddy, Roan, White, Blount, M'Clung, Adair, Crawford, Rutledge, Claiborne, Gammon, J. Shelby, Rhea, Walton, W. Douglass, E. Douglass, Smith, Bryan, Wear, Johnston, Ford, Fort, W. Prince, R. Prince, Tipton, Taylor, Carter, and Stuart.

Adjourned till to-morrow 10 o'clock A. M.

THURSDAY, FEBRUARY 4, 1796.

Met according to adjournment.

Mr. Anderson chairman of the committee, to whom was referred the drafting of the first section of the first article, reported the following, to wit:

ARTICLE I.

SEC. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both dependent on the people.

SEC. 2. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties according to the number of taxable inhabitants in each, and shall never be less than twenty two, nor greater than twenty-six, until the number of taxable inhabitants shall be forty thousand; and after that event, at such ratio that the whole number of representatives shall never exceed forty.

SEC. 3. The number of senators shall at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts, formed as herein after directed, according to the number of taxable inhabitants in each, and shall never be less than one third, nor more than one half, of the number of representatives.

SEC. 4. The senators shall be chosen by districts, to be formed by the legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than three senators. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

SCHEDULE.

Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives.

JOSEPH ANDERSON, Chairman.

Which was read and concurred with.

Mr. Lewis moved, and was seconded by Mr. Rhea, that the words 'two and an half per cent to the treasurer for receiving and paying out monies,' be struck out for the purpose of inserting 'three,' which carried in the affirmative.

Mr. Roan then moved, and was seconded by Mr. Jackson, that the

word 'three' be struck out, to insert 'four' which was determined in the affirmative.

Mr. Robertson moved, and was seconded by Mr. Frazier, that the words 'two dollars per day to each member of the general assembly be struck out for the purpose of inserting 'one dollar and seventy five cents,' which carried in the affirmative.

On motion of Mr. Outlaw, seconded by Mr. Rhea, the word 'register' was inserted in the nineteenth section of the first article.

On motion of Mr. Lewis, seconded by Mr. Claiborne, the words 'no person holding any office under the authority of the United States,' was inserted in the said section.

Mr. Robertson moved, and was seconded by Mr. Lewis, that the attorney or attorneys for the state shall receive a compensation for their services, not exceeding fifty dollars for each superior court he shall attend—which was carried in the affirmative.

Mr. Rhea then moved, and was seconded by Mr. Cocke, that the word 'fifty' be struck out, to insert 'twenty five,' which was negatived.

Mr. M'Nairy moved, and was seconded by Mr. Rutledge, that the 22d section of the first article be struck out, for the purpose of inserting the following: 'All lands held in this state, by deed, grant, or entry, shall be taxed equal and uniform, in such manner that no one hundred acres shall be taxed higher than another, except town lots. No freeman shall be taxed higher than one hundred acres of land, and no slave higher than two hundred acres on each poll, which carried in the affirmative.

Mr. M'Clung then moved, and was seconded by Mr. Mitchell, that the words 'town lots' be struck out, which passed in the negative.

It was then moved by Mr. Cocke, and seconded by Mr. Mitchell, that the section be amended by inserting 'no town lot shall be taxed higher than two hundred acres of land,' which was agreed to.

Mr. Jackson moved, and was seconded by Mr. Carter, that the following be inserted as a section in the constitution, 'The judges or justices of the inferior courts of law shall have power in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction into their court, on sufficient cause, supported by oath or affirmation, which carried in the affirmative.

Mr. Wear moved and was seconded by Mr. Rhea, that the second section of the sixth article be struck out, to insert the following; 'There shall be one treasurer for the state, who shall hold his office for two years, and keep the same, at the seat of government, which carried in the affirmative.

Mr. J. Shelby moved, and was seconded by Mr. M'Minn, to strike out the last section of the eighth article, which was determined in the negative; whereupon the yeas and nays were called for by Mr. M'Minn, and seconded by Mr. Rhea, which are as follows:

YEAS.

Messrs. Outlaw, Rutledge, Gammon, J. Shelby, Rhea, Hardiman, Berry, M'Minn, Henderson, Mitchell, White, Adair, Crawford, D. Shelby, Wear, and R. Prince.

NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, Frazier, Brooks,

Rankin, Galbreath, Baker, Anderson, Doherty, Roddy, Roan, Claiborne, M'Nairy, Jackson, Robertson, Lewis, Cocke, Blount, M'Clung, Walton, E. Douglass, W. Douglass, Smith, Bryan, S. Clack, J. Clack, Buckingham, Tipton, Hanley, Taylor, Carter, Stuart, Johnston, Ford, Fort, and W. Prince.

Mr. Hardiman moved, and was seconded by Mr. Jackson, that the following be made a rule of this house; that when any motion, shall come before the house, and fairly debated, and decided by a majority thereof, the same shall not a second time be brought before the house, by the minority, unless it appears that some of the majority have changed their minds on said question, which was negatived.

Mr. Johnston moved, and was seconded by Mr. Anderson, that the following be added to the seventeenth section of the ninth article; provided that not more than one new county from each district be entitled to representation, previous to taking the first enumeration, which carried in the affirmative.

Mr. Cocke moved, and was seconded by Mr. Carter, to strike out the following section, in the eighth article: 'Laws for the encouragement of virtue, and prevention of vice and immorality ought to be passed, which was agreed to.

Mr. Rhea moved, and was seconded by Mr. Claiborne, that the words 'or the divine authority of the old and new testament, in a section of the eighth article be struck out, which was agreed to; whereupon the yeas and nays were called for by Mr. Doherty and seconded by Mr. Galbreath, which are as follows:

YEAS.

Messrs. M'Nairy, Jackson, Robertson, Hardiman, Lewis, Berry, Henderson, Cocke, Mitchell, Outlaw, Claiborne, J. Shelby, Rhea, Blount, M'Clung, D. Shelby, Walton, W. Douglass, Smith, Bryan, Buckenham, Ford, Fort, W. Prince, R. Prince, Handley, Carter, and Stuart.

NAYS.

Messrs. Craig, Greenaway, Black, Glass, Houston, Frazier, Brooks, Rankin, Galbreath, Baker, M'Minn, Anderson, Doherty, Roddy, Roan, Rutledge, Gammon, White, Adair, Crawford, Wear, S. Clack, J. Clack, Johnson, Tipton, Taylor.

Adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, FEBRUARY 5, 1796.

Met according to adjournment.

On motion of Mr. Jackson, seconded by Mr. Cocke, the words "or treasurers" after the word "treasurer," was inserted in the twenty second section of the first article.

It was then moved, by Mr. Doherty, seconded by Mr. Galbreath, that the words, "attorney at law," after the words "attorney general," in the twenty third section of the first article, be inserted, which was determined in the negative.

It was then moved by Mr. Jackson, and seconded by Mr. Mitchell, that the following be inserted in the twenty-sixth section of the first article,

after the words "all lands," to wit, "liable to taxation," which was agreed to.

Mr. Roddye moved and was seconded by Mr. Fort, that the words "town lots" in the said section be struck out, which was negatived.

Mr. Roan moved and was seconded by Mr. Mitchell, that the third section of the fifth article be struck out for the purpose of amending it, which was agreed to.

Mr. Jackson moved, and was seconded by Mr. R. Prince, that the second section of the sixth article be struck out for the purpose of inserting the following :

"There shall be a treasurer or treasurers appointed for the state who shall hold his or their office, for two years;" which carried in the affirmative.

Mr. Fort moved, and was seconded by Mr. Black, that the seventh section of the seventh article be struck out, for the purpose of inserting the following : "The legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private or general musters;" which carried in the affirmative.

Mr. Robertson moved, and was seconded by Mr. Rutledge, to strike out the first section of the eighth article, which was negatived.

It was then moved by Mr. Jackson, and seconded by Mr. Mitchell, that the second section of the eighth article be struck out, which was negatived.

It was then moved by Mr. Lewis, and seconded by Mr. Rhea, to strike out the word "publicly" in the second section of the eighth article. which was agreed to.

Mr. Johnston moved, and was seconded by Mr. M'Clung, that the latter part of the fourth section of the ninth article be struck out, to insert the following : "No bill shall be passed into a law for the establishment of a new county, except upon a petition to the general assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such new county, prayed to be laid off, which carried in the affirmative.

Mr. Anderson moved, and was seconded by Mr. Claiborne, that the fourteenth section of the ninth article be struck out, to the words "contents;" which passed in the negative.

On motion of Mr. Jackson, seconded by Mr. Hardiman, resolved, that a committee of three be appointed to examine the engrossed copy of the constitution, and Messrs. Smith, Rhea and M'Nairy, were appointed for that purpose.

Mr. Jackson moved, and was seconded by Mr. Lewis, that a committee of five be appointed, to draw up an estimate of the expences of the convention; which was agreed to, and Messrs. D. Shelby, M'Clung, Roan, Jackson, and Fort, were appointed for that purpose.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, FEBRUARY 6, 1796.

Met according to adjournment.

Mr. M'Clung, chairman of the committee appointed to draw up an estimate of the expences of the convention, reported the following :

Estimate of the wages of the convention, clerks and door keeper, began and held at Knoxville, on the 11th day of January, and ending the 6th day of February, 1796, allowing one dollar and fifty cents per day for each member, and one dollar for every thirty miles travelling to, and returning from the same, agreeable to a unanimous resolution of the convention of the 12th of January ; two dollars and fifty cents per day to the clerks, and two dollars to the door keeper.

| NAMES. | County. | No. of days. | Pay per day. | No. of miles. | Pay per 30m. | Amount. |
|-------------------|-------------------|--------------|--------------|---------------|--------------|---------|
| David Craig, | <i>Blount,</i> | 27 | \$1 50 | 40 | 1 | \$41 83 |
| James Greenaway, | | 27 | 1 50 | 40 | 1 | 41 83 |
| Joseph Black, | | 27 | 1 50 | 30 | 1 | 41 50 |
| Samuel Glass, | | 27 | 1 50 | 20 | 1 | 41 16 |
| James Houston, | | 26 | 1 50 | 45 | 1 | 40 50 |
| John M'Nairy, | <i>Davidson,</i> | 27 | 1 50 | 400 | 1 | 53 83 |
| Andrew Jackson, | | 27 | 1 50 | 300 | 1 | 53 16 |
| James Robertson, | | 27 | 1 50 | 400 | 1 | 53 83 |
| Thomas Hardiman, | | 27 | 1 50 | 400 | 1 | 53 83 |
| Joel Lewis, | | 27 | 1 50 | 400 | 1 | 53 83 |
| Samuel Frazier, | <i>Greene,</i> | 27 | 1 50 | 160 | 1 | 45 83 |
| Stephen Brooks, | | 27 | 1 50 | 160 | 1 | 45 83 |
| William Rankin, | | 27 | 1 50 | 130 | 1 | 44 83 |
| Elisha Baker, | | 27 | 1 50 | 130 | 1 | 44 83 |
| John Galbreath, | | 27 | 1 50 | 160 | 1 | 45 83 |
| James Perry, | <i>Hawkins,</i> | 27 | 1 50 | 120 | 1 | 44 50 |
| Joseph M'Min, | | 27 | 1 50 | 160 | 1 | 46 16 |
| Thomas Henderson, | | 27 | 1 50 | 100 | 1 | 43 83 |
| William Cocke, | | 27 | 1 50 | 100 | 1 | 43 83 |
| Richard Mitchell, | | 27 | 1 50 | 140 | 1 | 45 16 |
| Alexander Outlaw, | <i>Jefferson,</i> | 27 | 1 50 | 100 | 1 | 43 83 |
| Joseph Anderson, | | 27 | 1 50 | 100 | 1 | 43 83 |
| George Doherty, | | 27 | 1 50 | 60 | 1 | 43 50 |
| James Roddye, | | 27 | 1 50 | 100 | 1 | 43 83 |
| Archibald Roane, | | 27 | 1 50 | 90 | 1 | 43 50 |
| James White, | <i>Knox,</i> | 27 | 1 50 | | 1 | 40 50 |
| William Blount, | | 27 | 1 50 | | 1 | 40 50 |
| Charles M'Clung, | | 27 | 1 50 | | 1 | 40 50 |
| John Crawford, | | 27 | 1 50 | | 1 | 40 50 |
| John Adair, | | 27 | 1 50 | | 1 | 37 50 |

| | | | | | | |
|-----------------------------|--------------------|----|--------|-----|---|---------|
| George Rutledge, | <i>Sullivan,</i> | 27 | \$1 50 | 240 | 1 | \$48 50 |
| William C. C. Claiborne, | | 27 | 1 50 | 190 | 1 | 46 83 |
| Richard Gammon, | | 27 | 1 50 | 230 | 1 | 48 16 |
| John Shelby, jun. | | 27 | 1 50 | 260 | 1 | 49 16 |
| John Rhea, | | 27 | 1 50 | 240 | 1 | 48 50 |
| D. Shelby, | <i>Sumner,</i> | 26 | 1 50 | 350 | 1 | 50 66 |
| Isaac Walton, | | 26 | 1 50 | 370 | 1 | 51 33 |
| W. Douglass, | | 26 | 1 50 | 360 | 1 | 51 |
| Edward Douglass, | | 26 | 1 50 | 360 | 1 | 51 |
| Daniel Smith, | | 26 | 1 50 | 370 | 1 | 51 33 |
| Peter Bryan, | <i>Sevier,</i> | 27 | 1 50 | 40 | 1 | 41 83 |
| Samuel Wear, | | 27 | 1 50 | 60 | 1 | 42 50 |
| Spencer Clack, | | 27 | 1 50 | 60 | 1 | 42 50 |
| John Clack, | | 27 | 1 50 | 60 | 1 | 42 50 |
| Thomas Buckenham, | | 27 | 1 50 | 40 | 1 | 41 83 |
| Thomas Johnston, | <i>Tennessee,</i> | 27 | 1 50 | 400 | 1 | 53 83 |
| James Ford, | | 27 | 1 50 | 440 | 1 | 55 16 |
| William Fort, | | 27 | 1 50 | 440 | 1 | 55 16 |
| William Prince, | | 27 | 1 50 | 440 | 1 | 55 16 |
| Robert Prince, | | 27 | 1 50 | 440 | 1 | 55 16 |
| John Tipton, | <i>Washington,</i> | 27 | 1 50 | 218 | 1 | 47 76 |
| Samuel Handly, | | 27 | 1 50 | 180 | 1 | 46 50 |
| Leeroy Taylor, | | 27 | 1 50 | 192 | 1 | 46 90 |
| Landon Carter, | | 27 | 1 50 | 236 | 1 | 48 36 |
| James Stuart, | | 27 | 1 50 | 200 | 1 | 47 16 |
| William Maclin, secretary, | | 27 | 2 50 | | | 67 50 |
| Do. for stationery and en- | | | | | | 65 |
| grossing, | | | | | | |
| J. Sevier, jun. assistant, | | 27 | 2 50 | | | 67 50 |
| John Rhea, door keeper, | | 27 | 2 | | | 54 |
| Do. for fire wood, candles, | | | | | | |
| stands, &c. | | | | | | 22 50 |
| James White, paid by him | | | | | | |
| for seats for the conven- | | | | | | 10 |
| tion, | | | | | | |
| Do. for 3 1-2 yards oil | | | | | | 2 62 |
| cloth, | | | | | | |
| Geo. Roulstone, Printer, | | | | | | 166 66 |

\$3,007 08

Resolved, that it is the unanimous wish of the members of this convention, that the monies appropriated to their use by law, and not by them received, may be appropriated by the general assembly to the payment of the secretary, clerk, printer and doorkeeper, or so much thereof as will be sufficient to pay them for their services, and that the printer be directed to print fifty copies of the constitution, and ten copies of the journal for each county, to be delivered to the members of this convention, and by them to be distributed for the information and benefit of the citizens.

Resolved, that David Henley, esq. agent of the department of war, is entitled to the thanks of this convention, for his polite offer of the room in

which the session has been held, and that the President be requested to present him with the same.

On motion, the engrossed copy of the constitution was read and passed unanimously.

On motion of Mr. Rhea, seconded by Mr. Johnston, *Resolved*, that the president of this convention be intrusted to take the constitution into his safe keeping, until a secretary shall be appointed and qualified to office under it, and then to deliver it to him.

On motion of Mr. Rhea, seconded by Mr. M'Minn, *Resolved*, that the president be instructed to forward, as early as practicable, by an express, a copy of the constitution, to the secretary of state of the United States.

Mr. Lewis moved, and was seconded by Mr. J. Shelby, that the above resolution be amended by striking out the word express, which passed in the negative.

On motion of Mr. M'Clung, seconded by Mr. Rhea, *Resolved*, that the thanks of this convention be given to the president for his services during the sitting of the same.

On motion of Mr. Claiborne, seconded by Mr. M'Clung, *Resolved*, that the thanks of this convention be presented to Mr. N. S. H. Fourrier for his patriotic services in engrossing the constitution.

On motion of Mr. Mitchell, seconded by Mr. Stuart, *Resolved*, that the president of this convention be authorised and directed to issue writs of election to sheriffs of the several counties, for holding the first election of members of the general assembly and governor, under the authority of the constitution of the state of Tennessee, to bear teste of this date.

On motion, the convention adjourned *sine die*.

WILLIAM BLOUNT, PRESIDENT.

WILLIAM MACLIN, SECRETARY.

JOURNAL
OF THE
SENATE

OF THE
STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON MONDAY, THE
TWENTY-EIGHTH OF MARCH, ONE THOUSAND SEVEN
HUNDRED AND NINETY SIX.

KNOXVILLE:
PRINTED BY GEORGE ROULSTONE, PRINTER TO THE STATE, 1796.

NASHVILLE:
RE-PRINTED BY McKENNIE & BROWN, TRUE WHIG OFFICE.
1852.

ORDERED TO BE RE-PRINTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE, OF 1851-'2.

JOURNAL OF THE SENATE

OF THE

STATE OF TENNESSEE.

AT a general assembly begun and held at Knoxville, the 28th day of March, in the year of our Lord one thousand seven hundred and ninety six, and in the twentieth year of American Independence, being the first session of this assembly.

The returning officers of the following counties certified, that the following persons were duly elected to represent the same in this house, to wit:

Tennessee county, James Ford; Sumner county, James Winchester; Knox county, James White; Jefferson county, George Doherty; Greene county, Samuel Frazier; Washington county, John Tipton; Sullivan county, George Rutledge.

Pursuant to which, the following members appeared and were qualified, by taking the oaths prescribed by the constitution of this state, for the qualification of members of the general assembly, to wit:

James Ford, James Winchester, James White, Geo. Doherty, John Clack, Samuel Frazier, John Tipton, George Rutledge.

Mr. White proposed for speaker James Winchester, esq. who was unanimously chosen and conducted to the chair.

Resolved, that Messrs. White, Doherty, Ford, Clack, and Frazier, be a committee of privileges and elections.

Resolved, that the following rules of decorum be observed during the sitting of this house.

1. That no member shall pass between the speaker and the person speaking.

2. Every member shall come into the house with his head uncovered, and shall continue so at all times but when he sits in his place.

3. The speaker having taken the chair, and a majority of the members being present, the clerk shall read the journal of the preceding day, in order that any mistake may be corrected that may have been made in the entries.

4. While the journal or public papers are reading, or when any member is speaking, there shall be no interruption, nor shall any member read any printed paper, but the attention of the members is expected.

5. Every member when he speaks, shall, standing in his place, address himself to the speaker (or chairman) as the case may be, who shall give his attention by naming the member.

6. If two or more members rise to speak, at the same time, the speaker shall determine who shall speak first.

7. When any motion shall be before the house, and not properly understood, the speaker may explain, but shall not attempt, in any such explanation, to sway the house by argument or debate.

8. The speaker, with leave of the house, shall have privilege to speak upon any subject proposed, agreeably to the rules established by the house; provided, he speak before the arguments are gone through.

9. A member digressing from the subject, or using personal observation or reflection, may be called to order by the speaker or chairman, or any member of the house.

10. All motions to be committed to writing and seconded, and handed to the speaker, before the same can be considered in the possession of the house, except a motion of course.

11. No question to be put upon motion, unless seconded.

12. No member to speak more than twice, without leave of the house, to the same question, unless in a committee of the whole.

13. When a question is before the house, no motion shall be received unless for amendment, for the previous question, or to commit or to adjourn.

14. No member to depart the service of the house without leave.

15. It shall be the duty of the speaker (or chairman) to call gentlemen spectators, appearing among the members when in session, by name, to desire them to withdraw to the seats assigned them.

Adjourned till to-morrow, 9 o'clock, A.M.

TUESDAY, MARCH 29, 1796.

MET according to adjournment.

Mr. Alexander Kelly, the member for Blount county appeared, produced his certificate, took the necessary oaths from his qualification, and took his seat.

Francis A. Ramsey was appointed clerk, and Nathaniel Buckingham assistant clerk.

Thomas Bounds was appointed door-keeper.

Mr. White, from the committee of privileges and elections, reported as follows, to wit:

The committee of privileges and elections having taken under their consideration the credentials of the following persons, James Ford, John Clack,

George Rutledge, John Tipton, Samuel Frazier, James White, George Doherty, and James Winchester, are of opinion they are satisfactory.

And also, having taken under our consideration the contest between Joel Lewis and James Maxwell, and having before us the certificates of the returning officers of Davidson county, do report, that from the aforesaid certificates of the returning officers of Davidson county aforesaid, are of opinion, that Joel Lewis is the member duly elected to represent Davidson county in the senate.

JAMES WHITE, Ch.

On motion, resolved, that the above report be concurred with.

Pursuant to which, Mr. Lewis appeared, was qualified and took his seat.

A message from the House of Representatives :

Mr. Speaker and Gentlemen of the Senate,

The House of Representatives is now formed and ready to proceed to the dispatch of public business.

Ordered, that the following messages be sent to the House of Representatives :

Mr. Speaker and Gentlemen of the House of Representatives,

The senate is also constituted and ready to proceed to the dispatch of public business, and propose to meet your house, at such time and place as you may appoint, in order to open and publish the returns of the elections, from the several counties for governor, agreeably to the constitution of this state.

Mr. Speaker and Gentlemen of the House of Representatives,

We propose Messrs. Doherty and Tipton, to act with such gentlemen of your house as you may appoint, as a committee of propositions and grievances.

Received from the House of Representatives the following messages, to wit :

Mr. Speaker and Gentlemen of the Senate,

This house agree with you in the meeting proposed for examining the returns of the elections for governor, and propose to convene in the House of Representatives at half past 12 o'clock.

Mr. Speaker and Gentlemen of the Senate,

The House of Representatives have proceeded to appoint a committee of finance, on the part of this house, to act in conjunction with such of your body as you may think proper to appoint for that purpose, and have appointed Messrs. Rhea, Weakley, Outlaw, Johnston, and Houston.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

This house concur with you in appointing a committee of finance, and nominate on the part of this house, Messrs. Lewis and Rutledge, to act in conjunction with the gentlemen by you proposed.

A message from the House of Representatives :

Mr. Speaker and Gentlemen of the Senate,

This house concur with you in appointing a committee of propositions and grievances, and nominate on our part, Messrs. Lewis, Fort, Hender-

son, Newel, and Black, to act in conjunction with the gentlemen by you proposed.

This house adjourned to the house of representatives chamber, for the purpose of opening returns of election, &c.

This house again met in the senate chamber.

After opening the several returns of the elections in the different counties in this state, and the votes being summoned up, appears, that Citizen John Sevier is duly and constitutionally elected governor of this state, which was accordingly announced by the speaker of the senate, in presence of both houses of the general assembly.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

The House of Representatives have nominated six members, viz. Messrs. Outlaw, Blair, Cocke, Johnston, Newel, and Fort, to wait on his excellency John Sevier, and request his attendance in the House of Representatives, to-morrow at 12 o'clock, to be qualified agreeably to the constitution of the state of Tennessee,

Mr. Speaker and Gentlemen,

We concur with your last message, and appoint on the part of this house, Messrs. Lewis, Ford, and Kelly, to wait upon his excellency John Sevier, in company with the gentlemen by you appointed, for the purposes by you mentioned. We also concur with you as to the time and place for the qualification of the governor.

Adjourned till to-morrow 9 o'clock, A.M.

WEDNESDAY, MARCH 30, 1796.

THE house met according to adjournment.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

The House of Representatives have appointed a committee to report what bills of a public nature may be necessary to be brought forward this session, to act in conjunction with such of your body as you may appoint for that purpose, and have named on their part, Messrs. Houston, Weakley, Lewis, Rhea, and Gass.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen,

We concur with your message respecting the appointment of a committee, 'to report what bills of a public nature may be necessary to be brought forward this session,' and appoint Messrs. Frazier and Tipton, on the part of this house, to act with the gentlemen by you named.

Mr. President and Gentlemen,

We propose that Messrs. White, Lewis, and Ford, on the part of this house, in company with such gentlemen of your house as you may appoint, wait upon his excellency governor Blount, to inform him of the time and place appointed for the qualification of his successor in office ; and also to request his attendance there.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

This house have appointed a committee to act in conjunction with such gentlemen as you may appoint, to prescribe an oath of office, to be administered to the governor of this state, and do appoint Messrs. Lewis, New-el, and Rhea.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

We concur with you in appointing a committee to prescribe an oath of office to be administered to the governor; and on the part of this house appoint Messrs. White and Doherty to act in conjunction with the gentlemen by you named for that purpose.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We propose Messrs. Looney, Black, and Houston, to act with such of your body as may be appointed, to wait on the judges, and request their attendance in the House of Representatives, at 12 o'clock, to qualify the governor.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We cannot concur with your message respecting the qualification of the governor by the judges, but propose in lieu thereof, that the clerk of the senate administer the oaths to the governor, in presence of both houses of the general assembly.

Received from the House of Representatives the following messages, to wit :

Mr. Speaker and Gentlemen,

This house propose to proceed to the election of the two senators, to represent this state in the congress of the United States; and also, a secretary for this state; and that the senate and house of representatives, do convene in the house of representatives, for that purpose, to-morrow at ten o'clock; and do propose Mr. William Blount, Mr. William Cocke, and Mr. Joseph Anderson, as candidates for the senate, and Mr. William Mac-lin for secretary.

Ordered, that the following message be sent to the House of Representatives :

We concur with your message, as to the time and place for the election by you proposed; and propose Doctor James White to be added to the nomination of candidates for the senate.

Received from the House of Representatives the following message :

Mr. Speaker and Gentlemen,

We concur with your message in appointing a committee to wait on his excellency William Blount, to inform him of the time and place appointed for the qualification of his successor, and name on our part, Messrs. Cantrell, Crawford, Weakley, and Gass.

Also the following :

Mr. Speaker and Gentlemen,

The form of the oath prescribed for the qualification of the governor is

subjoined, which has been agreed to by this house, and hereby forwarded for your concurrence.

The committee to whom was referred the prescribing an oath, for the qualification of the governor, made the following report :

Your committee appointed to prescribe an oath for the qualification of the governor, prescribe the following : All which is submitted.

JOHN RHEA, Chr.

I A. B. do solemnly swear, that I will support the constitution of the United States.—So help me God.

I A. B. do solemnly swear, that I will support the constitution of the state of Tennessee.—So help me God.

I A. B. do solemnly swear, that I will faithfully execute the office of governor of the state of Tennessee, pursuant to the constitution and laws thereof, according to the best of my knowledge and ability. So help me God.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We cannot agree with your proposals respecting the qualifying the governor ; we still adhere to our former proposals, and request a reconsideration on your part.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen,

Upon reconsideration we concur with your message relative to waiting upon the judges, to request their attendance to qualify the governor ; and appoint, on behalf of this house, Messrs. Clack and Rutledge, to accompany the gentlemen by you named for that purpose.

This house adjourned to the representatives chamber.

This house again met.

After the inauguration of his Excellency John Sevier, an address by him was presented to both houses of the general assembly, which was read, and the same ordered be inserted on the journals ; also, that a copy thereof to be transmitted to the public printer, that the same may be inserted in the Knoxville Gazette.

The address is as follows, to wit :

Gentlemen of the Senate and House of Representatives,

The high and honorable appointment conferred upon me by the free suffrages of my countrymen, fills my breast with gratitude, which, I trust, my future life will manifest. I take this early opportunity to express, through you, my thanks in the strongest terms of acknowledgement. I shall labour to discharge with fidelity the confidence reposed in me ; and if such my exertions should prove satisfactory, the first wish of my heart will be gratified.

Gentlemen, accept of my best wishes for your individual and public happiness : And, relying upon your wisdom and patriotism, I have no doubt but the result of your deliberations will give permanency and success to our new system of government, so wisely calculated to secure the liberty and advance the happiness and prosperity of our fellow-citizens.

JOHN SEVIER.

Adjourned till to-morrow 9 o'clock A. M.

THURSDAY, MARCH 31, 1796.

Met according to adjournment.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

Mr. Conway has moved for leave to withdraw the name of Mr. Joseph Anderson, from the nomination of the senate, which motion this house have agreed to, the same is forwarded to you for your concurrence.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

This house propose to proceed to the election of senators for this state, agreeably to the order of the day ; and have appointed on our part, Messrs. Newel and Fort, to superintend the balloting ; and also propose, that the tickets be counted in presence of both houses ; and that the speaker of the senate pronounce the persons duly elected.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

We concur with your message relative to the election, and appoint on the part of this house, Messrs. Lewis and Doherty, to superintend the balloting. Mr. Tipton has moved, and has leave to withdraw the name of Doctor James White from the nomination of candidates for the senate, to which we request your concurrence.

This house adjourned to the chamber of the House of Representatives.

Met again in their own chamber:

The Senate and House of Representatives having convened in the representatives chamber, in pursuance of a resolution of both houses of yesterday, when William Blount and William Cocke were duly and constitutionally elected senators, and so proclaimed by the speaker of the senate—and Wm. Maclin was duly elected secretary of this state, and so announced.

A message from the House of Representatives :

This house propose Messrs. Johnston, Houston, Clack, Newel, and Rhea, a committee to act jointly with such of your body as you may appoint, to prepare an address, to present to Messrs. William Blount and William Cocke, informing them of their being elected to represent this state, in the Congress of the United States.

Sent to the House of Representatives the following messages :

Mr. Speaker and Gentlemen,

We concur with you in appointing a committee to prepare an address to present to the gentlemen who have been elected senators ; and appoint on the part of this house Messrs. Ford and White, to act with the gentlemen by you named for that purpose.

Mr. Speaker and Gentlemen,

We propose that an election by both houses of the general assembly, be held to-morrow morning at ten o'clock, in the representatives' chamber, for three judges for the superior courts in this state ; also for an attorney general, and a treasurer for this state. We put in nomination for judges,

Mr. John M'Nairy, Mr. David Campbell, Mr. Joseph Anderson, and Mr. Archibald Roane; for treasurer, Mr. Nicholas Tate Perkins and Mr. Landon Carter; and for attorney general, Mr. Hopkins Lacy and Mr. William C. C. Claiborne, to which we beg your concurrence.

The house then adjourned until 3 o'clock, P. M.

Met according to adjournment.

Mr. White from the committee appointed to draw an address, to be presented to William Blount and William Cocke, reported, that they have prepared the following:

Citizen WILLIAM BLOUNT, late Governor of the Territory of the United States of America south of the river Ohio,

SIR,

Impressed with the grateful remembrance of your conduct during the time you was governor of the Territory of the United States of America, south of the river Ohio, now the State of Tennessee, the general assembly of the said State, in the name of the people thereof, over whom you formerly presided, embrace the earliest moment to testify to you, their entire approbation of your conduct and attention to promote their happiness, during your continuance in that office, the exercise of which was rendered more difficult and arduous, by the frequent inroads of the neighbouring nations of Indians. We recollect with pleasure, that under your administration, we, as a people have experienced growing energy and encreasing power. That your exertions in subordination to the federal government have been the cause of the present peace, which for some time past, has existed between us and the adjoining Indian tribes, and which, we hope, will long exist, on the principles you have established.

The territorial government now being ended, we will only say in respect thereof, that if the exercise alone of a government, constituted on the principles it was, could render a people happy under it, we should have been so. We rejoice, that while the territorial government has closed with honor to you, it has left us in a state of prosperity and peace.

You are now, sir, called by the unanimous voice of a free people, to represent them in the senate of the United States of America—the highest proof, in their power, to offer of their confidence in your integrity and ability to serve them.

JAMES WHITE, Ch.

Citizen WILLIAM COCKE,

Your fellow citizens have called you to represent them in the Senate of the United States of America. Impressed with recollections of your past conduct, from an early period of the settlement of our common country, they have given you this testimony of the confidence they repose in your integrity and abilities to serve them.

JAMES WHITE, Ch.

Ordered that the following message be sent to the House of Representatives:

Mr. White, from the committee appointed to prepare an address to be presented to Citizens William Blount and William Cocke, who have been elected to represent this state in the senate of the United States, reported, that they have prepared the addresses which accompany this message, with which report this house have concurred, and should you concur with

the report, we appoint on the part of this house Mr. Tipton and Mr. Lewis with such gentlemen as you may appoint to present the said addresses.

Mr. Speaker and Gentlemen,

We propose that a transcript from the journals, relative to the election of senators, be signed by the speakers of both houses of the general assembly, and attested by their clerks, and thence be forwarded to the governor of this state, for his certificate and seal of office, which shall be considered as credentials to the gentlemen who are elected senators, in order to their obtaining seats in the senate of the United States.

Received from the house of representatives the following messages :

Mr. Speaker and Gentlemen,

This house cannot concur with your message concerning the election of judges and other officers to-morrow at ten o'clock. At so early a period this house not having as yet determined if any and what alterations shall be made in the court system, or how many judges, or whether one or more attorneys general, or one or more treasurers.

Mr. Speaker and Gentlemen of the Senate,

We herewith send you a number of papers relative to the treasury department, which are referred on the part of this house to the committee of finance, with which your concurrence is requested.

Mr. Speaker and Gentlemen,

We concur with your message, and the report accompanying it, respecting the addresses to Citizens William Blount and William Cocke, senators in the Congress of the United States ; and appoint on our part, Mr. Outlaw, Mr. Crawford, Mr. Fort, and Mr. Conway, to act with the gentlemen by you proposed.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, APRIL 1, 1796.

MET according to adjournment.

Mr. Tipton, from the committee on public bills, reported as follows :

Your committee appointed to report what bills of a public nature are necessary to be brought forward this session, say, that bills of the following import ought to be introduced, viz :

A bill providing for a public revenue.

A bill providing for the electing of representatives to the Congress of the United States.

A bill providing for the appointment of electors, to elect a President and Vice President of the United States.

A bill to prevent the wilful and malicious killing of slaves.

A bill providing for the relief of the poor.

A bill for the establishment and regulation of public roads and ferries.

A bill ascertaining the mode of collecting and accounting for public taxes.

A bill establishing a secretary's department.

A bill ascertaining the mode of impeachment and trial of public officers.

A bill for altering the time of holding the several courts of law therein described.

A bill regulating the several officers fees therein mentioned.

A bill to prevent gaming.

JOHN TIPTON, Chr.

Ordered that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

Mr. Tipton, from the committee appointed to report what bills of a public nature are necessary to be brought forward this session, has presented the report which accompanies this message, to which this house have concurred. The committee not having time to go through the business assigned them, beg leave to sit again; they accordingly have leave from this house.

Received from the house of representatives, a bill ascertaining the number of the judges of the superior courts of law and equity, and for fixing their salaries; endorsed, 'Read the first time and passed.'

Which being read, was passed the first time.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

This house propose that the committee of propositions and grievances be also a committee of claims, which is sent to you for your concurrence.

We also send you sundry petitions respecting the division of counties, which have been read, and on the part of this house referred to the committee of propositions and grievances.

Which being read was concurred with.

Sent to the house of representatives the following message :

Mr. Speaker and Gentlemen,

We concur with you in referring the petitions from sundry citizens of Washington and Tennessee counties, to the committee of propositions and grievances; and also that the said committee be a committee of claims, and have added Mr. Ford to the said committee.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

We herewith send you several papers, No. 1, 2, 3, 4, and 5, laid before this house by the governor, which we have referred to a special committee composed on our part of Messrs. Montgomery, Conway, and Blair, who will act jointly with such gentlemen as you may appoint to take into consideration the said papers.

Sent to the house of representatives the following message :

Mr. Speaker and Gentlemen,

We concur with you in referring the papers No. 1, 2, 3, 4, and 5, which accompany your last message, to a special committee, and appoint on the part of this house Mr. Lewis and Mr. White to act with the gentlemen by you named for that purpose.

Received from the house of representatives the following bills :

A bill establishing a treasury department, and

A bill to prevent the wilful and malicious killing of any black person, or person of mixed blood, he or she being a slave.

Which being read, were passed the first time and returned.

Received also the following message :

Mr. Speaker and Gentlemen,

This house concurs with your message, as to that part in which you concur with the report of the committee you mention. We cannot concur with that part which gives leave to said committee to sit again, but propose that they may be considered a standing committee, to sit on their own adjournments, during the session, if they think proper.

The acceptance of Citizen Cocke of his appointment as one of the senators of this state, in the Congress of the United States, was received in writing, which was read, and ordered to be inserted on the journals, and is as follows:

Gentlemen,

I accept of the appointment conferred upon me by the general assembly. It will be my first, my greatest wish to promote the interest of our common country.

The honor of serving a free and enlightened people is truly flattering, and my highest reward will consist in my conduct continuing to meet with their approbation.

Accept, gentlemen, my respects,

WILLIAM COCKE.

James Winchester, s. s.
and

James Stuart, s. H. R.

Received from the house of representatives the following message:

Mr. Speaker and Gentlemen,

We concur with your message of yesterday, which respects the credentials of the senators of this state, in the congress of the United States.

Adjourned until 3 o'clock, P.M.

Met according to adjournment.

Mr. Tipton from the committee, reported, as follows:

Your committee of propositions and grievances, to whom were referred several petitions, do report, that the petition from the county of Tennessee, is reasonable, and ought to be granted. That the petition from the upper end of the county of Washington is reasonable, and ought to be granted.

JOHN TIPTON, Ch.

Which being read was concurred with.

Ordered, that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen,

Herewith we send you the report of the committee of propositions and grievances, with which report, this house have concurred.

A message from the house of representatives:

Mr. Speaker and Gentlemen,

This house propose Messrs. Peck, Looney, and Clack a committee to act jointly with such gentlemen as you may appoint, to contract with the printer for public printing.

Mr. Speaker and Gentlemen,

We concur with your message, in appointing a committee to contract

with the printer for public printing ; and appoint on the part of this house Messrs. White and Rutledge, to act with the gentlemen by you named for that purpose.

Received from the house of representatives the following petitions :

A petition of Mr. Joseph Dorris, and a petition from sundry citizens of a place called Tuckaleechee, on Little River, endorsed, ' Referred to the committee of propositions and grievances.' Also a statement of an account by George Gillespie, sheriff of Washington county, endorsed, ' Referred to the committee of claims,' which said petition and account were referred as above.

Received also the following bills :

A bill to amend an act, entitled, ' An act laying a tax for the year 1795,'

A bill providing for the election of representatives to represent this state in the Congress of the United States.

A bill to divide the county of Tennessee into two distinct counties.

A bill to divide the county of Washington into two distinct counties.

Severally endorsed, ' read the first time and passed.'

Ordered, that these bills be read, which being read, were passed the first time and returned.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, APRIL 2, 1796.

MET according to adjournment.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

We propose that a transcript from the journals relative to the election of a secretary for this state, be signed by the speakers of both houses of the general assembly, and attested by their clerks, and be presented to his excellency the governor, that he may commission the secretary who has been elected.

Mr. James White presented a claim for money paid on behalf of the public, which was read and referred to the committee of claims.

Received from the house of representatives,

A bill to ascertain what property within the state shall be taxed for the year 1797,

Endorsed, ' Read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We cannot concur with your message relative to the governor being authorised to commission the secretary, previous to a law being passed, directing the mode of his qualification into office.

Received from the house of representatives :

A bill directing the mode of the qualification of the secretary of state into office, endorsed, ' Read the first time and passed.'

Ordered, that this bill be read, which being read was passed the first time.

Adjourned till Monday 12 o'clock, A. M.

MONDAY, APRIL 4, 1796.

THE house met according to adjournment.

Mr. Tipton from the committee of claims, reported as follows :

Your committee taking under their consideration the claim of George Gillespie, sheriff of Washington county, are of opinion, that the same ought not to be granted.

JOHN TIPTON, Ch.

To which report this house concurred.

On motion of Mr. White, seconded by Mr. Doherty, resolved, that Mr. Ramsey have leave to resign his appointment as clerk to this house, his family being indisposed.

George Roulstone was unanimously appointed clerk in the place of Mr. Ramsey, who has leave to resign.

Received from the house of representatives, the account of Robert Houston, sheriff of Knox county ; endorsed, ' read and referred to the committee of claims ; ' which being read, was referred as above and returned.

Adjourned until 3 o'clock, P.M.

Met according to adjournment.

Received from the house of representatives the following bills :

A bill to divide the county of Tennessee into two distinct counties, and

A bill to divide the county of Washington into two distinct counties ; each endorsed, read the second time and passed.

Ordered, that these bills be read, which being read, were amended, passed the second time and returned.

Received also, a bill to suppress excessive gaming.

A bill to repeal an act, entitled, ' An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence in the militia service of this Territory, and providing for the widows and orphans of such as have died, '

Endorsed, ' Read the first time and passed. '

Ordered, that these bills be read, which being read, were passed the first time and returned.

Received also,

A bill directing the mode of the qualification of the secretary of state into office,

Endorsed, ' Read the second time and passed. '

Ordered, that this bill be read, which being read, was passed the second time and returned.

Received likewise,

A bill to prevent the wilful and malicious killing any black person, or person of mixed blood, he or she being a slave, ' which, on motion of Mr. Lewis, was made the order of the day to-morrow.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, APRIL 5, 1796.

MET according to adjournment.

Mr. Lewis moved for the order of the day, and called up a bill to prevent the wilful and malicious killing of slaves, &c. which was read the second time and passed.

Mr. Tipton, from the committee of propositions and grievances reported as follows :

The committee of propositions and grievances having taken under their consideration, the petition of the inhabitants of that part of Little River, known by the name of Tuckaleechee, report, that the same is reasonable and ought to be granted.

JOHN TIPTON, Chr.

Mr. Lewis moved for leave and presented a bill, to amend an act for the promotion of learning in the county of Davidson ; also, a bill concerning oaths ; which were read the first time, passed and sent to the house of representatives.

Mr. Tipton reported as follows :

The committee of claims to whom the claim of James White was referred, against the state, for twenty-two dollars and one third, for apprehending and bringing to Knoxville Love Snowden, report, that the same is reasonable and ought to be allowed.

JOHN TIPTON, Chr.

Which being read was concurred with.

Adjourned till 3 o'clock, P.M.

Met according to adjournment.

Mr. Joseph M'Min, the member from the county of Hawkins, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Tipton, the certificates of Mr. M'Min, as senator to represent the county of Hawkins, in the senate of this state, was referred to the committee on elections.

Received from the house of representatives,

A bill to divide the county of Washington.

A bill to divide the county of Tennessee.

Each endorsed, ' read the third time and passed.'

Ordered, that these bills be read, which being read, were passed the third time, and ordered, to be engrossed.

Received also,

A bill directing the mode of electing members of the general assembly.

Endorsed, ' Read the first time and passed.'

And a bill establishing a treasury department.

Endorsed, ' Read the second time and passed.'

Ordered, that these bills be read, which being read, the former was passed the first, the latter the second time, and returned.

Received likewise,

A bill providing for the election of representatives to represent this state in the congress of the United States.

Endorsed, ' read the second time and passed,' which being read, was passed the second time in this house and returned.

Received also,

A bill to preclude persons of a certain description from being admitted

as witnesses, in any civil or criminal case in any court within this state, and

A bill to ascertain the lines between Blount and Sevier counties, Each endorsed, 'Read the first time and passed.'

Ordered, that these bills be read, which being read, were passed the first time and returned.

Adjourned until to-morrow, 9 o'clock, A. M.

WEDNESDAY, APRIL 6, 1796.

MET according to adjournment.

Mr. Tipton from the committee of propositions and grievances made the following report :

Your committee of claims, to whom was referred the claim of Robert Houston, sheriff of Knox county, having taken the same under consideration, are of opinion, that it ought not to be allowed.

JOHN TIPTON, Ch.

Which being read was ordered to lie on the table.

On motion of Mr. Tipton, sent to the house of representatives the following message :

Mr. Speaker and Gentlemen,

We propose that a committee be appointed to examine engrossed bills, and have for that purpose named Mr. M'Min to act with such gentlemen as you may appoint on your part.

Mr. Frazier moved for leave and presented a bill to amend an act, entitled, 'An act for establishing a militia in the state of North Carolina, which said act is now in force within this state,'

Which was read the first time, passed, and sent to the house of representatives.

Received from the house of representatives, a bill directing the mode of the qualification of the secretary of state into office,

Endorsed, 'Read the third time and passed.'

Which being read, was passed the third time in this house, and ordered to be engrossed.

Received also,

A bill to ascertain the number of judges of the superior courts of law and equity, and for fixing their salaries, &c.

Endorsed, 'Read the second time and passed.'

Which on motion of Mr. White was made the order of the day to-morrow.

Adjourned till 3 o'clock, P.M.

Met according to adjournment.

Received from the House of Representatives the following message :

Mr. Speaker and Gentlemen,

We concur with you in appointing a committee to examine engrossed bills, and name on our part Messrs. Cocke and Conway.

Received from the house of representatives :

A bill for the appropriation of certain monies therein mentioned,
Endorsed, 'Read the first time and passed.'

Which being read, was passed the first time and returned.

Mr. White moved for leave and presented a bill for the appropriation of certain monies therein mentioned, and for other purposes, which was read the first time and passed.

Received from the house of representatives,

A bill to repeal an act, entitled, 'An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves, &c. subsistence &c.'

Endorsed, 'Read the second time and passed,'

Which being read, was passed the second time in this house and returned.

Received likewise,

A bill concerning oaths,

Endorsed, 'Read the first time and passed,'

Which being read, was amended, passed the second time and returned.

Received also,

A bill directing the mode of electing representatives to represent this state in Congress;

Endorsed, 'Read the third time, amended, and passed.'

Ordered, that this bill be read, which being read, on motion of Mr. Lewis, the following message was sent to the house of representatives:

Mr. Speaker and Gentlemen,

The senate have had before them, the bill, 'Declaring the mode of electing representatives to represent this state in Congress,' and cannot agree to the amendment by you made in the second section of said bill; but adhere to their amendment, to wit: 'The first Thursday of August,' and 'the succeeding day,' they are willing to add. If you agree to this amendment, you will please send two of your members, to see the alterations made. Further, as it respects the second election, the senate propose, that said clause be amended, by adding after the word 'August,' the words, 'and the succeeding day.'

Adjourned till to-morrow 9 o'clock, A.M.

THURSDAY, APRIL 7, 1796.

Met according to adjournment.

Mr. Tipton reported as follows,

Your committee of propositions and greivances, to whom was referred the petition of sundry inhabitants south of French Broad, who live over the line of experiment, are of opinion that the state cannot grant them any relief.

JOHN TIPTON, Ch.

Which being read, was concurred with.

A message from the House of Representatives:

Mr. Speaker and Gentlemen,

We agree to the amendments by you proposed to the bill directing the mode of electing representatives in Congress, and Messrs. Cocke and Looney will attend and see alteration made.

Received from the house of representatives,

A bill to repeal an act, entitled, 'An act for the relief of such persons as have been disabled by wounds, &c.

Endorsed, 'Read the third time and passed.'

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

The order of the day being called for by Mr. White, the bill to ascertain the number of judges of the superior courts of law and equity, &c. was read, amended, passed the second time and sent to the house of representatives.

Received from the House of Representatives,

A bill for amendment of the law,

Endorsed, 'Read the first time and passed.'

A bill for the appropriation of certain monies, &c.

Endorsed, 'Read the first time and passed.'

And a bill establishing a treasury department,

Endorsed, 'Read the third time and passed.'

Ordered, that these bills be read, which being read the former was passed the first, the second the second, and the latter the third time, and ordered to be engrossed.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, APRIL 8, 1796.

Met according to adjournment.

Mr. Tipton from the committee of propositions and grievances, reported as follows: Your committee of propositions and grievances, to whom was referred the petition of sundry inhabitants of the counties of Hawkins, Knox, and Jefferson, are of opinion the same is reasonable and ought to be granted.

JOHN TIPTON, Ch.

Which was read and concurred with.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house propose to proceed to the appointment of three judges of the superior courts of law and equity; and also two treasurers, one for the districts of Washington and Hamilton, and one for the district of Mero; and that both houses convene in the representatives' chamber, to-morrow at 11 o'clock, for that purpose. We nominate as candidates for judges, Messrs. John M'Nairy, Joseph Anderson, David Campbell, Willie Blount, Archibald Roan, Howell Tatom, and Ephraim Dunlap; and for treasurers, Landon Carter and Nicholas Tate Perkins, for the districts of Washington and Hamilton; and Edmund Gamble, William Black, Robert Searcy, and William Cage, senior, for the district of Mero, and have appointed Messrs. Fort and Lewis to superintend the balloting.

Mr. Lewis moved for leave to withdraw for amendment, the bill for the appropriation of certain monies therein mentioned, and for other purposes, which was granted. Also, the bill concerning oaths, which was also granted.

Mr. White moved for leave, and presented a bill ascertaining a line be-

tween Knox, Jefferson and Sevier counties, which was read the first time and passed.

Adjourned until 3 o'clock, P.M.

Met according to adjournment.

The honorable speaker laid before the house, a letter which he had received from the hon. Wm. Blount, esq., late president of the convention of this state, inclosing several papers, and instructions to Mr. M'Min, who went express to carry the constitution of this state to the secretary of the United States, which being read, was, on motion of Mr. Lewis, referred to the committee of claims, and sent the house of representatives.

Also, a letter from the hon. Wm. Blount, in answer to the communication from the general assembly, signifying his election as a senator, to represent this state in the Congress of the United States, which was read and sent to the house of representatives, and is as follows :

STATE of TENNESSEE.

Mr. Speaker and Gentlemen of the Senate, and

Mr. Speaker and Gentlemen of the House of Representatives,

The entire approbation of the people of my conduct in office by you ratified, is the highest reward I could receive.

Accept, gentlemen, my thanks for the prompt and warm manner in which you have been pleased to convey it to me.

With you, I hope, that the peace which exists between the citizens of the United States and the Indian tribes will long continue, as in peace consists the happiness and prosperity of both parties ; and thus impressed, it shall be my duty, in whatever situation I may be placed, to use my efforts to its preservation.

I feel as I ought, the unanimous call of my fellow-citizens, to represent them in the senate of the United States, and shall devote myself to the promotion of their interests, as far as is consistent with that of the whole body politic, of which they are a part.

Accept, gentlemen, my best wishes for your individual happiness.

(Signed)

WM. BLOUNT.

Received from the House of Representatives :

A bill to ascertain the number of judges of the superior courts of law and equity, and for fixing their salaries, which being read, was amended, and on motion of Mr. M'Min,

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

The senate upon reading for the third and last time, the bill to ascertain the number of judges of the superior courts of law and equity, and the fixing their salaries, have amended it in the following manner : After the words, *in this state*, in the first section of said bill, they have added, ' Any one or more of whom, are hereby authorised and empowered to hold any of the said courts—And it shall be the duty of each and every of the said judges to attend each and every term : And in case of failure, so to attend without sufficient cause for such failure be shewn, it shall be deemed a misdemeanor in office, for which he or they shall be liable to presentment, indictment, or impeachment ; but judgment, in such cases shall not ex-

tend further, than to removal from office.' If you agree to this alteration, you will please send two of your members to see it made.

Received from the house of representatives :

A bill to provide for the safe keeping of the acts, records, and papers of the State of Tennessee, and for other purposes.

Endorsed, ' Read the first time and passed. '

Also, a bill to suppress excessive gaming.

Endorsed, ' Read the second time, amended and passed. '

Ordered, that these bills be read, which being read, the former was passed the first time, and the latter, on motion, was rejected.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We cannot concur with the amendment by you proposed to the bill ascertaining the number of judges, &c.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate propose to meet your house in conference, to-morrow morning at 9 o'clock, in the representatives' chamber, to take into consideration, the bill to ascertain the number of judges, &c. and if possible to adjust the difference.

Received from the house of representatives :

A bill to divide Hawkins and Knox counties, and form a distinct county, by the name of —

And, a bill prescribing the mode of electing militia officers of this state.

Each endorsed, ' Read the first time and passed. '

Ordered, that these bills be read, which being read, were passed the first time, and returned.

Received from the house of representatives the two following messages, to wit :

Mr. Speaker and Gentlemen,

We concur with you in the conference by you proposed, to morrow at 9 o'clock.

Mr. Speaker and Gentlemen of the Senate,

We have added Mr. Montgomery to the committee of propositions and grievances.

Adjourned till to-morrow, 9 o'clock, A. M.

SATURDAY, APRIL 9, 1796.

Met according to adjournment.

Received from the house of representatives the following report of the committee of claims :

Your committee to whom was referred the claim of Joseph M'Min, are of opinion, he ought to be allowed two hundred dollars for his services as an express to Philadelphia and back to this place, and no more.

JOHN TIPTON, Ch.

Which being read was concurred with.

Mr. White presented the petition of sundry inhabitants, which was read and referred to the committee of propositions and grievances, and sent to the house of representatives.

On motion, Messrs. Clack and White were added to the committee of propositions and grievances.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

The senate have added Messrs. Clack and White, to the committee of propositions and grievances.

Received from the house of representatives :

A petition from the inhabitants of Jonesborough—and a petition from sundry inhabitants of Jefferson county.

Each endorsed ' Read and referred to the committee of propositions and grievances, which being read, were referred as above.

Mr. Doherty presented a petition from sundry inhabitants of Jefferson county, which being read, was referred to the committee of propositions and grievances, and sent to the house of representatives.

Received from the house of representatives :

A bill to ascertain the line between Blount and Sevier counties.

Endorsed, ' Read the second time, and passed.

Ordered, that this bill be read, which being read, was passed the second time, and returned.

Ordered, that the following message be sent to the House of Representatives :

Mr. Speaker and Gentlemen,

The senate have agreed to amend the bill, ' ascertaining the number of judges of the superior courts, ' &c. by striking out from the first section of said bill, all the words after the word *shewn*, which are, ' For which he or they shall be liable to presentment, indictment, or impeachment ; but judgment, in such case, shall not extend further than to removal from office. '

The senate have amended said bill, by inserting the following section : ' And be it enacted, That the clerk of each of the said courts shall, each day of any term of any of the said courts, enter on the minutes of said courts, respectively, the name or names of the judge or judges, who shall be present at the meeting thereof: And on failure, it shall be deemed a misdemeanor in office, and. ' The above amendment is intended to be the first part of the section, pointing out the duty of the clerks, of the superior courts, in granting certificates of attendance to the judges. If you agree to the amendments, as now proposed you will please send two of your members to see them made.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

We concur with your last amendments to the bill, ascertaining the number of judges, &c. and name Messrs. Cantrell and Rhea, to see the alterations made.

Which being read,

The bill to ascertain the number of judges of the superior courts of law and equity, and for fixing their salaries, was taken up, read the third time, amended, as proposed, passed, and ordered to be engrossed.

Sent to the House of Representatives the following message :

Mr. Speaker and Gentlemen,

The senate agree to your message of yesterday, for appointing three judges of the superior courts of law and equity, and for two treasurers, except as to the time of meeting, which we propose to be at 3 o'clock this afternoon, and have appointed Messrs. Lewis and Frazier to superintend the balloting.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Mr. M'Min from the committee appointed to examine engrossed bills, reported that the following bills were duly engrossed, to wit :

An act directing the mode of qualification of the secretary of state into office.

An act to divide the county of Tennessee into two distinct counties.

And an act to divide the county of Washington into two distinct counties, which were severally signed by the honorable speaker in presence of the house.

Messrs. Lewis and Frazier from the joint balloting for judges and treasurers, reported, that having executed the business of their appointment, they find, on casting up the poll, that John M'Nairy, Archibald Roane, and Willie Blount, are duly and constitutionally elected judges of the superior courts of law and equity, Landon Carter, treasurer for the district of Washington and Hamilton, and William Black, treasurer for the district of Mero.

Received from the house of representatives :

The bill to ascertain the line between the counties of Sevier and Blount.

Endorsed, ' Read the second time and passed. '

Ordered, that this bill be read, which being read, was passed the second time and returned.

Mr. Kelly had leave of absence till Wednesday next.

Adjourned till Monday 12 o'clock, A. M.

MONDAY, APRIL 11, 1796.

THE house met according to adjournment.

Sent to the house of representatives the following message :

Mr. Speaker and Gentlemen,

The senate propose that a transcript from the journals of the general assembly respecting the election of the judges of the superior courts of law and equity, be presented to the governor for his information, in order that he may proceed to commission the gentlemen elected, and name Mr. Rutledge on the part of this house, to wait on the governor with the same.

The senate also propose, that a joint committee wait on the gentlemen elected judges, and present them with a transcript from the journals, signed by the speakers, respecting their election; and name on our part Mr. Tipton.

Mr. White, who had leave to withdraw for amendment, the bill to ap-

propriate certain monies & presented the same, which being read, was passed the second time.

Mr. Rutledge presented a petition in favour of Joseph M'Min and James White.

Which was read and concurred with.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We herewith send you a resolution in favor of Joseph M'Min and James White, with which we request your concurrence.

Received from the House of Representatives the following messages, to wit :

Mr. Speaker and Gentlemen,

We concur with your message, proposing that a transcript from the journals respecting the election of the judges should be presented to the governor, and name on the part of this house, Messrs. Lewis and Cocke, for that purpose. We also name Messrs. Johnson and Fort, to act with the gentlemen by you proposed to wait on the gentlemen elected judges.

Mr. Speaker and Gentlemen,

This house cannot concur with your message respecting the mode of allowing payment to Joseph M'Min and James White.

Mr. Speaker and Gentlemen,

We herewith send you a communication we received this day from the governor, which we have referred to a select committee, and have named for that purpose, Messrs. Rhea, Outlaw, Johnson, and Lewis.

The communication from his excellency John Sevier is as follows, to wit :

Mr. Speaker and Gentlemen of the General Assembly,

Permit me to remark to your honorable body, that our senators are about to proceed to the federal legislature, it may not be inexpedient to remind them of the necessity of taking under consideration, the embarrassed situation claimants of land are under, to those lying south of the line concluded on in the treaty of Holston, and now within the Indian boundary.

In my humble opinion, it is a matter of great public importance, and particularly interesting to the state and to individuals, to either have the Indian claims extinguished, or the adventurers compensated for those lands.

I have no doubt but you will take the premises under due deliberation, and give your senators such instructions as you, in your wisdom, may deem necessary and advisable.

(Signed,)

JOHN SEVIER.

Which being read, the following message was ordered to be returned :

Mr. Speaker and Gentlemen,

The senate concur with you in referring the communication of his excellency the governor, of this day to a select committee, and name Messrs. M'Min, Lewis, Tipton, and Rutledge, on our part.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We herewith send you a resolution entered into by this house, with which your concurrence is requested.

Resolved, that no bills either of a public or private nature be received after Saturday next.

Which being read, was concurred with.

Mr. Lewis presented a petition from the inhabitants of Jefferson county, which being read, was referred to the committee of propositions and grievances.

Mr. Lewis, who had leave to withdraw for amendment, the bill to amend an act for the promotion of learning in the county of Davidson, presented the same with the amendments, which being read, was passed the second time.

Adjourned till 3 o'clock, P. M.

MET according to adjournment.

Mr. White, who had leave to withdraw for amendment, the bill ascertaining a line between the counties of Knox, Jefferson, and Sevier, presented the same with the amendments, which was read the second time and passed.

Mr. Lewis, who had leave to withdraw for amendment, the bill concerning oaths, presented the same with its amendments, which being read, was passed the third time.

Received from the House of Representatives :

A bill to ascertain the lines between Blount and Sevier counties, endorsed, ' read the third time and passed. '

Ordered, that this bill be read, which being read, was passed the third time, and ordered to be engrossed.

Received from the house of representatives :

A petition from sundry inhabitants of Nashville, and a petition of Andrew Jackson, of Mero district.

Each endorsed, ' Read and referred to the committee of propositions and grievances. '

Which being read, was referred as above.

Received from the house of representatives, the resolution of this house in favor of Joseph M'Min and James White, endorsed, ' non-concurred with. '

Adjourned till to-morrow, 12 o'clock, A. M.

TUESDAY, APRIL 12, 1796.

MET according to adjournment.

Received from the house of representatives, the report of the select committee, appointed to take into consideration the communication of his excellency the governor of yesterday ; endorsed, " concurred with. "—Which report is as follows :

Your committee to whom the communication from the governor, relative to the lands south of the line of the treaty of Holston, claimed by grantees

under North Carolina, was referred, do recommend the following resolution :

Resolved, that it be an instruction to the senators and representatives of this state, in the Congress of the United States, to state to that body, that it is essential to the preservation of peace, between the Indian tribes and the United States, that measures be, by them, taken to relieve and quiet the grantees of lands under the state of North Carolina, the possession of which is guaranteed to the Indians by treaty, which claim we wish extinguished, and the claimants put in peaceable possession of their lands.

THOMAS JOHNSON, Ch.

Mr. Tipton from the committee of propositions and grievances made the following reports :

Your committee to whom was referred a petition from the inhabitants of Davidson county, are of opinion, that the same be laid over until the next general assembly.

JOHN TIPTON, Ch.

Your committee to whom was referred the petition of Charles Robertson, esq. of the town of Jonesborough, having taken the same under their consideration, report, that the same ought not to be allowed, for reason of but one signer to said petition.

JOHN TIPTON, Ch.

Your committee to whom was referred several petitions from the inhabitants of Jefferson county, upon several subjects, are of opinion, that all petitions from the inhabitants of said county be laid over until the next general assembly, only such as respect the division of said county.

JOHN TIPTON, Ch.

Received from the house of representatives :

A bill to appropriate certain monies ;

Endorsed, " Read the third time and passed."

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Mr. M'Min moved for leave, and presented the following bill, to wit :

A bill making compensation for the members, clerks and door-keepers of the general assembly, and for defraying other necessary contingencies.

Ordered, that this bill be read, which being read, passed the first time.

Received from the house of representatives :

A bill for establishing a town in Robertson county,

Endorsed, " Read the first time and passed."

Ordered, that this bill be read, which being read, was passed the first time.

Received also,

A bill to amend an act for the promotion of learning in Davidson county.

Endorsed, " Read the second time, amended and passed."

Ordered, that this bill be read, which being read a third time, was amended and passed.

Adjourned until to-morrow 9 o'clock, A.M.

WEDNESDAY, APRIL 13, 1796.

MET according to adjournment.

Mr. M'Min from the committee appointed to examine engrossed bills, reported, that they had examined the following bills, and found them to be truly engrossed, to wit :

An act to appropriate certain monies hereinafter described, an act to repeal an act, entitled, an act for the relief of such persons as have been disabled by wounds, &c. and an act to establish a treasury department.

Mr. White presented a petition from sundry inhabitants of Knox county, which being read, was referred to the committee of propositions and grievances.

Received from the House of Representatives, a petition from sundry inhabitants of Sevier county, endorsed, " Read and referred to the committee of propositions and grievances," which being read, was referred as above.

Received also,

A bill appointing commissioners and trustees, &c.

A bill establishing a town by the name of Palmyra.

A bill to encourage the killing of wolves.

And a bill for amendment of the law respecting public roads and ferries.

Severally endorsed, " Read the first time and passed."

Ordered, that these bill be read, which being read, were passed the first time.

Received from the house of representatives, a remonstrance from David Smith, endorsed, " Read and referred to the committee of claims," which being read, was referred as above.

Received also, a bill for the relief of such persons as have, or may suffer by the loss of the records of the court of equity, for the district of Mero,

Endorsed, " Read the first time and passed."

Ordered, that this bill be read, which being read, was passed the first time.

Received from the house of representatives, the report of the committee of propositions and grievances, on the petition of the inhabitants of Jefferson county, endorsed " Rejected."

The honorable speaker laid before the house, the petition and remonstrance of William Medlock,

Which being read, was referred to the committee of propositions and grievances.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

This house have referred the bill ascertaining what property in this state shall be taxed for the year 1797, to a special committee composed on our part of Messrs. Rhea, Lewis and Outlaw, to act jointly with such of your body as you may name for that purpose.

Which being read, the following message was ordered to be returned :

Mr. Speaker and Gentlemen,

The senate concur with you in referring " the bill ascertaining what

property in this state shall be taxed for the year 1797," and name on our part Messrs. Doherty, White, and Rutledge.

Received from the house of representatives :

A bill prescribing the mode of electing military officers of this state,
Endorsed " Read the second time, amended and passed."

Which being read, Mr. Lewis moved for leave to withdraw the same for amendment, which was granted.

Also, the bill directing the mode of electing members of the general assembly, which being read, Mr. M'Min moved for leave to withdraw the same for amendment, which was granted.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

We have added Messrs. Conway, Weakley, and Johnson, to the committee to whom is referred the bill ascertaining what property in this state shall be taxed for the year 1797.

Which was read and concurred with.

Received from the house of representatives,

The bill establishing a town in Robertson county,

Endorsed " Read the second time, amended and passed."

Ordered, that this bill be read, which being read, was passed the second time.

Also, a bill providing for the amendment of the law, &c. endorsed "read the second time, amended and passed."

Ordered, that this bill be read, which being read, was amended and passed the second time.

Received from the house of Representatives,

The petition of sundry inhabitants of Knox county,

Endorsed, " Read and concurred with."

Adjourned till to-morrow 9 o'clock A. M.

THURSDAY, APRIL 14, 1796.

MET according to adjournment.

Mr. White presented the memorial of James Conner, which being read, was referred to the committee of propositions and grievances.

Mr. Tipton from the committee of propositions and grievances made the following reports :

Your committee to whom was referred sundry petitions from the inhabitants of Jefferson county are of opinion, that all petitions relative to said county be laid over until the next general assembly.

JOHN TIPTON, Ch.

Which being read was concurred with.

Your committee to whom was referred the petitions from the inhabitants of Sevier county, are of opinion, that the petitions relative to said county be laid over until the next general assembly.

JOHN TIPTON, Ch.

Which being read, was concurred with.

Received from the house of representatives :

A bill establishing a town by the name of Palmyra,

Endorsed, "Read the second time and passed."

Which being read was passed the second time in this house.

Mr. Lewis, who had leave to withdraw for amendment, a bill prescribing the mode of electing the military officers of this state, presented the same with the amendments, which being read, was passed the second time.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

The house of representatives cannot concur with the report of the committee of propositions and grievances, upon the petitions from Sevier county.

Received also, the petition of Joshua Hadley,

Endorsed, "Read and referred to the committee of propositions and grievances," which being read, was referred as above.

Received also, a bill appointing commissioners to fix on a place to erect a court-house, prison and stocks, in Sevier county,

Endorsed, "Read the first time and passed."

Which being read, was passed the first time in this house.

Received from the house of representatives :

A bill to provide for the safe keeping of the records of the state, endorsed, "read the second time, amended and passed."

Ordered, that this bill be read, which being read, was amended and passed the second time.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Received from the house of representatives, a bill appointing commissioners and trustees, &c. in the county of Sumner, endorsed, "read the second time and passed."

Ordered, that this bill be read, which being read, the former was amended and passed the second time, and the latter read the third time, and ordered to be engrossed.

Mr. Lewis moved for leave, and presented a bill for changing the places of holding courts in the county of Jefferson, &c. which being read, was passed the first time.

Adjourned until to-morrow 9 o'clock, A. M.

FRIDAY, APRIL 15, 1796.

MET according to adjournment.

Mr. Tipton from the committee of propositions and grievances made the following reports :

Your committee to whom was referred the petition of Joshua Hadley, consider that the same is reasonable and ought to be granted, and recommend that a bill remitting fines and forfeitures with respect to lands held by non-residents of this state should be passed.

JOHN TIPTON, Ch.

Your committee having taken under consideration the petition from the citizens of Nashville, report generally in favor of the petition.

JOHN TIPTON, Ch.

Your committee to whom was referred the remonstrance of David Smith, are of opinion that the same be laid over until the next general assembly.

JOHN TIPTON, Ch.

Which being read, were concurred with.

Received from the house of representatives :

A bill directing the mode of electing the governor and members of the general assembly, endorsed, " read the second time, amended and passed."

Ordered, that this bill be read, which being read, was amended, and passed the second time.

Received also, a bill for amendment of the law, respecting public roads and ferries, endorsed, " read the second time, amended and passed."

Ordered, that this bill be read, which being read, was amended, and passed the second time.

Received from the house of representatives, the petition of Daniel Rowan, endorsed, " read and referred to the committee of propositions and grievances," which being read, was referred as above.

Mr. M'Min, from the committee to examine engrossed bills, reported, that the act to amend an act, for the promotion of learning in the county of Davidson, was truly engrossed.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Mr. Tipton from the committee of propositions and grievances, presented the following reports :

Your committee to whom was referred the petition of Daniel Rowan, are of opinion that the same lie over until the next general assembly.

JOHN TIPTON, Ch.

Your committee to whom was referred a petition relative to distempered cattle, are of opinion that the same is reasonable, and that a bill be brought forward for that purpose.

JOHN TIPTON, Ch.

Your committee have taken under their consideration the memorial of James Conner, are of opinion that it is reasonable, and that a bill for his relief be brought forward.

JOHN TIPTON, Ch.

Received from the house of representatives :

A bill appointing commissioners and trustees, &c.

A bill establishing a town by the name of Palmyra,

Each endorsed, " read the third time, amended and passed."

Ordered, that these bills be read, which being read, were passed the third time, and ordered to be engrossed.

Received also, a bill to encourage the killing of wolves, endorsed, " read the second time, amended and passed."

Ordered, that this bill be read, which being read, was rejected.

Received also, a bill to repeal an act to regulate the several officers fees therein mentioned, &c. endorsed, "Read the first time and passed," which being read was passed the first time and returned."

Adjourned till to-morrow 10 o'clock, A. M.

SATURDAY, APRIL 16, 1796.

Met according to adjournment.

Mr. White moved for leave and presented a bill to repeal part of the sixth section of an act, entitled, an act ascertaining what property in this state shall be deemed taxable, &c. which being read was passed the first time.

Mr. Tipton, from the committee of propositions and grievances, presented the following report.

Your committee to whom was referred the remonstrance of Andrew Jackson, are of opinion, that a reasonable compensation from the time of the organization of the Territorial government, until the year 1796, is reasonable, and ought to be granted.

JOHN TIPTON, Ch.

Which being read, was concurred with.

Received from the house of representatives, a bill imposing a fine on persons who publicly deny the being of a God, and a future state of rewards and punishments, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read, was, on motion, rejected.

Received from the House of Representatives a bill to repeal the forty-eighth section of an act, passed at Edenton in the year 1741, entitled, "An act concerning servants and slaves," endorsed, read the first time and passed.

Ordered, that this bill be read, which being read was passed the first time and returned.

The house adjourned till 3 o'clock, P.M.

Met according to adjournment.

Received from the House of Representatives a bill for changing the place of holding courts in the county of Jefferson, &c. and a bill to prevent the obstruction of the navigation of Red River, each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read the former was, on motion, rejected, and the latter passed the first time.

Mr. Ford moved for leave and presented a bill for the payment of the several salaries therein mentioned, which was read the first time and passed.

Mr. M'Min moved for leave and presented a bill to repeal the fourth section of an act passed at Knoxville, the 29th day of September, 1794, entitled, an act to amend an act establishing courts of law, &c. which was read the first time and passed.

Received from the house of representatives, the bill to establish the town of Maryville, &c. endorsed "Read the first time and passed."

Ordered, that this bill be read, which being read, was passed the first time.

Mr. Rutledge moved for leave and presented a bill for altering the place of holding the courts of law and equity in the district of Washington, &c. which being read, was passed the first time.

Received from the house of representatives, a bill ascertaining the number of attornies general, &c. and

And a bill making compensation to Andrew Jackson, each endorsed, "Read the first time and passed."

Ordered, that these bills be read, which being read, were passed the first time.

Adjourned till Monday 10 o'clock, A. M.

MONDAY, APRIL 18, 1796.

THE house met according to adjournment.

Received from the house of representatives, a bill to appoint commissioners to contract for the building of a court house, &c. in the county of Montgomery, and a bill to appoint commissioners for regulating the town of Jonesborough, each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time.

Received also, a bill to divide Hawkins and Knox counties, endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read, was amended and passed the second time.

Received also, a bill establishing courts of pleas and quarter sessions, in the different counties in this state, &c.

A bill to amend an act entitled "an act to regulate the discent of real estates, to do away entails, &c. endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time.

Received also, a bill to amend an act establishing a town on Cumberland river, at the place called the Bluff, and a bill providing for the payment of the several salaries therein mentioned.

Ordered, that these bills be read, which being read the former was passed the first time, and the latter on motion of Mr. White withdrawn for amendment.

Received from the House of Representatives the following message :

Mr. Speaker and Gentlemen,

This house propose, that the committee appointed to contract with the printer, do engage him to print five hundred blank commissions for militia officers, and fourteen blank commissions, to be each filled up with the names of justices of the peace, in each county, respectively, which is sent to you for your concurrence.

Which being read, the following message was ordered to be returned,

Mr. Speaker and Gentlemen,

The Senate concur with your message so far as it respects the printing the militia commissions, and propose that the number to be printed be increased to one thousand.

Received from the house of representatives, a bill to repeal an act, entitled "an act to alter the mode of punishing horse stealing," &c. endorsed "Read the first time and passed."

Ordered, that this bill be read, which being read, was passed the first time.

Received also the bill to establish the town of Maryville, endorsed, "Read the second time and passed."

Ordered, that this bill be read, which being read, was amended, and passed the second time.

Received also, a bill for the safe keeping of the records of the state.

Endorsed, "Read the third time, amended and passed."

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Adjourned till 3 o'clock, P. M.

MET according to adjournment.

Received from the house of representatives,

A bill to repeal the fourth section of an act, passed at Knoxville the 29th day of September, 1794, entitled, "an act to amend an act, establishing courts of law, and for regulating the proceedings therein," endorsed, "read the first time and passed."

Ordered, that this bill be read, which being read, was, on motion, rejected.

Received also,

A bill for the relief of such persons as have or may suffer by the loss of the records of the court of equity for the district of Mero, endorsed, "read the second time, amended and passed."

Received likewise, a bill for the amendment of the laws respecting public roads and ferries,

Endorsed, "Read the third time, amended and passed."

Ordered, that these bills be read, which being read, were passed, the former the second and the latter the third time, and ordered to be engrossed.

Adjourned till to-morrow 9 o'clock, A.M.

TUESDAY, APRIL 19, 1796.

Met according to adjournment.

Mr. Doherty who had leave of absence since Saturday last, appeared and took his seat.

Mr. White who had leave to withdraw for amendment, the bill ascertaining a line between Knox, Jefferson and Sevier counties, presented the same with its amendments, which being read, was passed the third time.

Mr. White who had leave to withdraw for amendment, the bill to provide for the payment of the several salaries therein mentioned, presented the same with its amendments, which being read, was passed the second time.

Received from the House of Representatives,

A bill establishing courts of pleas and quarter sessions, in the different counties in this state, &c. endorsed, "read the second time and passed."

Received also, a bill for the amendment of the law, respecting writs of error, &c. endorsed "read the second time, amended and passed."

Received likewise, a bill for altering the place of holding the superior courts of law, &c. for Washington district, endorsed, read the first time and passed.

Ordered, that these bills be read, which being read, were, on motion, rejected:

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Received from the house of representatives :

A bill prescribing the mode of electing the military officers of this state, Endorsed, " read the third time, amended and passed."

Ordered, that this bill be read, which being read, was amended ; whereupon,

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, " A bill prescribing the mode of electing the military officers of this state," and have amended it as follows : To the 9th section they have added the following clause :— " Which election the senior officer present shall superintend ; and if two or more of the candidates are equal and highest in votes, such two or more shall decide by lot who shall be the brigadier general ; And the said senior officer shall, under his hand, certify the same to the governor, who shall commission such person accordingly.

The senate have added as the 13th and last section, the following : " Be it enacted, that when vacancies shall happen by death, resignation, or otherwise ; in the grade of major general, the governor shall issue his orders for an election, to fill up said vacancy, giving sixty days notice thereof. If in the grade of brigadier-general, the major-general shall, in like manner issue his orders for an election. If in the grade of lieutenant-colonel commandant or major, the brigadier-general shall, in like manner, issue his orders for an election. If in the grades of captain, lieutenant, ensign, or cornet, the commanding officer of such regiment or corps in which said vacancy may happen, shall, in like manner, issue his orders to fill up such vacancy. And the said elections shall be held at the same places, and under the same rules and restrictions that are herein before directed."

If you should agree to these amendments, you will send two of your members to see them made.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

This house concur in the amendments by you proposed to the bill prescribing the mode of electing military officers of this state, and name Mr. Johnson and Mr. Weakley to see them inserted,

Which being read, the bill prescribing the mode of electing military officers of this state was taken up, passed the third time, and ordered to be engrossed.

Received from the house of representatives :

A bill directing the mode of petitioning the general assembly for the di-

vision of counties and removal of court-houses, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was passed the first time.

Adjourned till to-morrow, 9 o'clock, A. M.

WEDNESDAY, APRIL 20, 1796.

MET according to adjournment.

Mr. M'Min from the committee appointed to examine engrossed bills, reported the following duly engrossed, viz :

An act directing the mode of electing representatives to represent this state in the Congress of the United States.—An act to ascertain the lines between Blount and Sevier counties.—An act establishing a town in Robertson county, by the name of Springfield. An act for the amendment of the law respecting public roads and ferries.—An act providing for the safe keeping of the acts and records of this state.—An act establishing a town by the name of Palmyra.—And an act appointing commissioners and trustees, the former to fix on a place in the county of Sumner, and the latter to purchase the land, erect a court house, prison and stocks, and establish a town thereon.

Received from the House of Representatives, a bill for the relief of such persons as may suffer by their grants, deeds, and mesne conveyances, not being registered, &c. endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was passed the first time.

Received also, a bill to regulate the descent of real estates, &c. and a bill appointing commissioners to contract for the building a court house, prison and stocks in Montgomery county, each endorsed, read the second time and passed.

Ordered, that these bills be read, which being read were passed the second time.

Received from the house of representatives, a bill for the relief of such persons as have or may suffer by the loss of the records of the court of equity of Mero district, endorsed, "read the third time, amended and passed." And

A bill to repeal the forty-eighth section of an act, passed at Edenton in the year 1741, entitled, "An act concerning servants and slaves," endorsed, read the second time and passed.

Ordered, that these bills be read, which being read, the former was passed the third time and ordered to be engrossed, and the latter on motion, rejected.

Also, a bill to repeal an act to regulate the several officers fees therein mentioned, &c. endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read, was amended, and passed the second time.

Received also, a bill to establish the town of Maryville, endorsed, read the third time and passed.

Ordered, that this bill be read, which being read, was passed the third time, and ordered to be engrossed.

Received also, a bill ascertaining the number of attorneys general, fixing their salaries, &c. and a bill to appoint commissioners for regulating the town of Jonesborough, endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read, was amended and passed the second time.

Adjourned till 3 o'clock, P. M.

Received from the house of representatives, a bill directing the mode of electing the governor and members of the general assembly, endorsed, read the third time, amended and passed.

Ordered that this bill be read, which being read was passed the third time and ordered to be engrossed.

Received also, a bill to ascertain what property in this territory shall be deemed taxable, &c. endorsed, read the first time and passed.

Ordered, that this bill be read, which being read, was amended and passed the second time.

Received from the house of representatives, a bill to divide Hawkins and Knox counties, endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read, the following message was ordered to be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill to divide Hawkins and Knox counties, and have added the following clause to the last section, to wit : " Provided, nothing herein contained, shall be construed so as to give said county of Grainger separate elections for governor and members of the general assembly ; but the inhabitants of said county shall be entitled to suffrage in the county from which they were taken, until the first enumeration be made. If you agree to this amendment, you will please send two of your members to see it made.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

We concur with your proposed amendment to the bill for the division of Hawkins and Knox counties, and name Mess. Henderson and Menefee to see the alterations accordingly made.

Which being read, the bill for the division of Hawkins and Knox counties, was read, amended, passed the third time, and ordered to be engrossed.

On motion of Mr. Lewis, and seconded, Mr. M'Min had leave to absent himself from the service of this house during the remainder of this session.

On motion, Mr. Lewis was appointed to examine engrossed bills, in the room of Mr. M'Min, who has leave of absence.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate have appointed Mr. Lewis to examine engrossed bills on the part of this house, in the room of Mr. M'Min, who has leave of absence.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, APRIL 21, 1796.

MET according to adjournment.

Received from the house of representatives, a bill to amend an act establishing a town on Cumberland river, at the place called the Bluff, and a bill for the relief of such persons as have or may suffer by their grants, &c. not being registered, endorsed, read the second time and passed.

Ordered, that these bills be read, which being read were amended and passed the second time.

Received also, a bill to appoint commissioners to contract for building a court house, &c. in the county of Montgomery, endorsed, "Read the third time and passed."

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Received from the house of representatives a bill providing for the appointment of electors, to elect a President and Vice President of the United States, and a bill making provision for mistakes in surveys of land, each endorsed, "Read the first time and passed."

Ordered, that these bills be read, which being read, were passed the first time.

Received also, a bill to amend an act entitled an act to regulate the descent of real estates &c. endorsed, Read the third time and passed.

Ordered, that this bill be read, which being read, was passed the third time, and ordered to be engrossed.

Received also, a bill making compensation to the members, clerks and door keepers of the general assembly, &c. endorsed read the first time and passed.

Ordered, that this bill be read, which being read, was passed the second time.

Received also, a bill ascertaining the number of attornies general, &c. endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read, was amended, and the following message ordered to be sent to the House of Representatives :

Mr. Speaker and Gentlemen,

The senate have read, for the third and last time, the bill ascertaining the number of attornies general, &c. and have amended the same by striking out the word 'forty,' and inserting in lieu thereof, 'thirty,' in the compensation to the said attornies. If you agree to this amendment, you will please send two of your members to see it made.

To which message the following answer was received from the house of representatives :

Mr. Speaker and Gentlemen,

This house cannot concur with the amendment by you proposed, to the bill ascertaining the number of attornies general, &c.

Received from the house of representatives :

The bill to repeal an act to regulate and ascertain the several officers fees &c.

Endorsed, 'Read the third time, amended, and passed.'

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Adjourned till 4 o'clock, P. M.

THE house met according to adjournment.

Received from the house of representatives :

A bill for the appropriation of certain monies, &c.

Endorsed, ' Read the second time, amended, and passed.'

Ordered, that this bill be read, which being read, was passed the third time.

Received from the house of representatives :

A bill directing the mode of petitioning the general assembly for the division of counties, and the removal of court houses.

Endorsed, ' Read the second time, amended, and passed.'

Received also, the bill to regulate the town of Jonesborough, endorsed, ' read the third time, amended, and passed. '

Ordered, that these bills be read, which being read, the former was passed the second time, and the latter the third time, and ordered to be engrossed.

This house having rescinded their amendment to the bill ascertaining the number of attorneys general, &c. the same was passed the third time, and ordered to be engrossed.

Received from the House of Representatives :

A bill to prevent the obstruction of the navigation of Red River.

Received also, a bill to repeal part of the 6th section of an act, ' entitled, an act ascertaining what property in this Territory shall be deemed taxable, &c.

Each endorsed, ' Read the second time, amended, and passed.'

Ordered, that these bills be read, which being read, were amended, and passed the second time.

Adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, APRIL 22, 1796.

MET according to adjournment.

Mr. Lewis from the committee appointed to examine engrossed bills, reported that the following were duly engrossed, viz.

An act prescribing the mode of electing the military officers of this state.—An act to ascertain a line between the counties of Knox, Jefferson, and Sevier.—An act appointing commissioners to contract for the building a court house, prison, and stocks, in the county of Montgomery, at Clarksville. An act for the appropriation of certain monies therein mentioned, and for other purposes.—An act for the relief of such persons as have or may suffer by the loss of the records of the court of equity for the district of Mero.—An act to amend an act entitled an act to regulate the descent of real estates, &c.—And an act for erecting part of the county of Hawkins and part of the county of Knox into a separate and distinct county.

Mr. White from the committee appointed to contract with the printer for the public printing, reported, they have agreed with him as follows :

For every sheet of the laws, containing sixteen pages, eight and one-third cents.

For every sheet of the journals of the assembly containing sixteen pages, sixteen and two-third cents.

For every quire of commissions three dollars.

JAMES WHITE, Ch.

Which being read, was concurred with.

Received from the house of representatives, a bill to amend an act establishing a town on Cumberland river, at the place called the Bluff, endorsed, read the third time and passed.

Ordered, that this bill be read, which being read, was passed the third time, and ordered to be engrossed.

Received from the house of representatives the following message.

Mr. Speaker and Gentlemen,

This house propose a committee to estimate the expense of this session of assembly, and have nominated Messrs. Henderson, Johnson, Weakley, and Fort, to act with such gentlemen as you shall appoint, and that the estimate shall be made up until Saturday next inclusive, and no longer.

Which being read, the following answer was returned :

Mr. Speaker and Gentlemen,

The senate concur with your message rejecting the making up the estimate, so far as to appoint a committee, and name Messrs. White and Lewis, for that purpose.

Received from the house of representatives :

A bill making provision for mistakes in surveys of land, endorsed, 'Read the second time, and passed.'

Ordered, that this bill be read, which being read, was amended, and passed the second time.

Received also,

A bill providing for the appointment of electors, to elect a President and Vice President of the United States, endorsed, read the second time, amended, and passed.

Ordered, that this bill be read, which being read, was amended, and passed the second time.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house have appointed the following persons justices of the peace for the several counties hereafter mentioned :

For the county of Blount.—Andrew Bogle, Joseph Black, William Davidson, Andrew Miller, William Lowry, George Ewing, William Wallace, Samuel Houston, James Greenaway, Mathew Wallace, William Hamilton, John Cochran, John Tremble, Thomas Galahor, and John Wallace.

For the county of Carter.—Nathaniel Taylor, David M'Nabb, Landon Carter, Andrew Greer, Zachariah Campbell, Guthridge Garland, John Vaught, Joseph Sands, and Reuben Thornton.

For the county of Davidson.—James Robertson, James Mulherin, Thomas Molloy, John Nichols, Thomas Smith, Joseph Phillips, Samuel Barton, James Hoggatt, Robert Hays, Elijah Robertson, and John Gordan.

For the county of Grainger.—Thomas Henderson, Elijah Chisum, James Blair, John Estis, Phelps Reed, Benjamin M'Carty, James Moore, John Bowen, John Kedwell, John Simms, William Thompson, and Major Lea.

For the county of Greene.—Joseph Hardin, sen. John Wear, Elisha Baker, John Newman, sen. John Morris, Hugh Neilson, William Rankin, Joseph Lusk, Thomas Gillis, Alexander Galbreath, James Penny, Hugh Brown, James Hays, Mathew Cox, James Mahan, Thomas Praetor, David Copelane, James Anderson, Samuel Wilson, and William Wilson.

For the county of Hawkins.—George Maxwell, John Long, Nathaniel Henderson, William Armstrong, Joseph M'Min, Alexander Nelson, Thomas Jackson, John Gordon, David Larkin, James Berry, Mark Mitchell, Thomas Lea, James Lathim, William M'Carty, James Armstrong, Benoni Caldwell, Absalom Looney, John Mitchell, and David Kinkead.

For the county of Jefferson.—George Doherty, James Roddye, Josiah Jackson, Thomas Snoddy, Garret Fitzgerald, Parmenter Taylor, John Blackburn, Andrew Henderson, Abednigo Inman, John M'Nabb, Abraham M'Coy, Adam Peck, William Cox, James Wilson, William Lillard, David Stuart, Ebenezer Leath, Joseph M'Culla, Samuel Jack, Adam Meek, George Evans, James Lea, Alexander Outlaw, and John Goore.

For the county of Knox.—James White, Joseph Greer, John M'Clellan, John Adair, George M'Nutt, John Hackett, David Campbell, John Menefee, Nicholas Gibbs, John Sawyers, Samuel Doke, James Cozby, Samuel Flanagan, Jeremiah Jack, and William Doke.

For the county of Montgomery.—George Bell, Robert Duning, Amos Bird, Morgan Brown, Robert Nelson, George Nevills, William Prince, Robert Prince, Haydon Wells, Timothy Anderson, and William Mitcheson.

For the county of Robertson.—William Fort, Isaac Phillips, Charles Miles, William Miles, Benjamin Menefee, John Phillips, Martin Duncan, Bazel Bowen, Hugh Henry, Zabulon Hubbard, and James Crabtree, sen.

For the county of Sullivan.—Samuel Smith, John Anderson, Joseph Wallace, John Scott, David Perry, George Vincent, William Delany, William King, Robert Allison, John Vance, William Nash, Richard Gammon, James Gains, George Rutledge, Samuel M'Corkle, John Spurgin, Walter Johnson, Robert Easley, John Yancey and James King.

For the county of Sumner.—David Wilson, Thomas Donald, James Winchester, James Reese, Edward Douglass, William Cage, Stephen Cantrel, Isaac Walton, Thomas Martin, James Guin, Withral Lattimore, James Douglass, and David Shelby.

For the county of Sevier.—John Clack, William Henderson, jun. Robert Calvert, Joshua Gest, Abraham M'Clery, Andrew Cowen, Joseph Vance, Robert Pollock, Adam Wilson, James Riggin, Alexander Montgomery, Jesse Griffin, James D. Puckett, and Isam Guin.

For the county of Washington.—James Stuart, John Tipton, John Wear, John Adams, John Strain, Henry Nelson, Joseph Young, Joseph Crouch, William Nelson, Robert Blair, John Norward, Jesse Payne, Isaac Depugh, Charles M'Cray, Samuel Wood, Jacob Brown, John Alexander, John Hammer, and Joseph Britton.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

We herewith send you a message received this day from the governor, which has been referred on the part of this house to a special committee, composed of Mr. Lewis, Mr. Rhea, and Mr. Menefee.

Which message is as follows :

Mr. Speaker and Gentlemen of the General Assembly,

Your session is now near a close, the safety and protection of the frontiers requires your serious consideration. Tranquillity, amity, and mutual friendship with the neighbouring tribes, is the principal means of securing the same.

Permit me to remind your honorable body of the deplorable condition our frontier citizens would be plunged into, should this country unhappily again be involved in a war with a savage nation. The calamities of the last, are recently in our memory, and the spoils and ravages occasioned thereby, are daily presented before us.

The rapid emigration into our state is truly flattering ; but a single hostility might be the means of occasioning the prospect wholly to vanish and cease. Many thousands have moved to our government, not many are wealthy, their resources small, and their wants great ; and were they reduced to the melancholy dilemma, of entering into forts and blockhouses, I am assured their condition would be distressing and painful in the extreme.

Let me remark to you, gentlemen, and I make no doubt you will coincide with me in opinion, that a few years peace would be the most legal and eligible mode to reduce our neighbouring tribe to reason and good order.

The present appearances of Indian affairs have a pacific colour, and should proper methods be adopted by your legislative interposition, so as to prevent violation and encroachment, I have no doubt but peace will abound throughout the government.

One thing more, I beg leave to observe, it is well known to you, that the brave officers and privates, that composed the army, who performed the last campaign, are still unpaid, from which circumstances many of our citizens are much embarrassed and disappointed on the occasion.

I have lately been advised to go forward to the war office personally, to state the expediency and authority that caused and produced the campaign. Now, if the present session of Congress should fail to make provision for the payment, I wish to know the sense of the assembly, whether I might be permitted, or not, to go forward at the time of the next session, to lay the same before Congress. It will be a journey attended with much fatigue and expence ; but nevertheless, I feel it my indispensable duty to give every aid and assistance in my power, to have the officers and privates duly compensated for their hazardous and toilsome services.

I have the honor to be, gentlemen,

With due respect,

Your obedient servant,

JOHN SEVIER.

Which being read, the following message was ordered to be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate concur with you in referring the communication of the governor to a special committee, and have named Messrs. Tipton, and Doherty for that purpose.

Received from the house of representatives,

A bill directing the mode of petitioning the general assembly for the division of counties and removal of court-houses.

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Received from the House of Representatives, a bill for the relief of such persons as may suffer by their grants, deeds, and mesne conveyances, not being registered, &c. endorsed, read the third time, amended, and passed.

Ordered, that this bill be read, which being read, was on motion, rejected.

Ordered, that the following message be sent to the house of representatives:

Mr. Speaker and Gentlemen,

The senate concur with you in the appointment of the justices of the peace in this state, except the following:

In the county of Greene, Samuel Dunwoody is appointed in the room of Joseph Lusk, and the name of James Mahan left out of the appointment.

In the county of Sevier, James M'Mahan is appointed in the room of James D. Puckett.

Received from the house of representatives the following message:

Mr. Speaker and Gentlemen,

This house do not concur with the alterations by you made in the nominations of justices, except as to the name of James Mahan.

Received from the house of representatives:

A bill to prevent the obstruction of the navigation of Red River.

Endorsed, 'read the third time, and passed.'

Ordered, that this bill be read, which being read, was passed the third time, and ordered to be engrossed.

Ordered, that the following message be sent to the house representatives:

Mr. Speaker and Gentlemen,

The senate propose meeting you this afternoon in your chamber, for the purpose of electing four electors of President and Vice-President of the United States, and three attorneys general.

Received from the House of Representatives, a bill to provide for the payment of the several salaries therein mentioned,

Endorsed, 'read the second time, amended, and passed.'

Ordered, that this bill be read, which being read, was passed the third time.

Ordered, that the following message be sent to the house of representatives:

Mr. Speaker and Gentlemen,

The senate propose the following gentlemen as electors of President

and Vice President of the United States, viz : Messrs. Claiborne, Joseph Anderson, Joseph Greer, Griffith Rutherford, Charles M'Clung, Hugh Neilson, and John Anderson.

For attorney general in the district of Washington, Messrs. Hopkins Lacy, John Shields, and John Sevier.

For the district of Hamilton, Messrs. Thomas Grey, John Lowrey, and James Reese.

For the district of Mero, Messrs. Howell Tatom and Isam Parker.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

We concur with your messages respectively, concerning the balloting for electors to elect a President and Vice President of the United States, and for attorneys general. We have added Daniel Smith to the nomination for electors, and have appointed Mr. Fort and Mr. Menefee to superintend the balloting.

A message from the House of Representatives :

Mr. Speaker and Gentlemen,

The senate propose Messrs. Lewis and Frazier to superintend the balloting for electors of President and Vice-President of the United States, and attorneys general.

Mr. Lewis and Mr. Frazier, from the committee appointed to superintend the balloting for electors to elect a president and vice-president of the United States, and three attorneys general, reported as follows :

That Joseph Greer, Daniel Smith, Hugh Neilson, and Joseph Anderson, were duly and constitutionally elected electors of president and vice-president of the United States—and that Hopkins Lacy was elected attorney general for Washington district—John Lowrey, attorney general for Hamilton district—and, Howell Tatom, attorney general for the district of Mero.

Adjourned till to-morrow, 9 o'clock, A. M.

SATURDAY, APRIL 23, 1796.

Met according to adjournment.

Mr. Lewis, from the committee appointed to examine engrossed bills, reported that the following bills were duly engrossed :

An act to repeal an act to regulate the several officers fees therein mentioned, &c. and an act directing the mode of electing the governor and members of the general assembly.

Received from the House of Representatives :

The bill making provision for mistakes in surveys of lands, and

A bill providing for the appointment of electors to elect a President and Vice-President of the United States,

Each endorsed, 'read the third time, amended, and passed.'

Ordered, that these bills be read, which being read, were passed the third time, and ordered to be engrossed.

Received also, a bill making compensation to the members, clerks and door keepers of the general assembly, &c. endorsed, read the second time amended, and passed.

Ordered, that this bill be read, which being read, was amended, and passed the third time.

Received from the house of representatives, the report of the committee appointed to contract with the printer for the public printing, endorsed, read and concurred with.

Received from the house of representatives the report of the committee appointed to take into consideration the message of the governor; endorsed, concurred with.

Which is as follows :

Mr. Rhea from the committee reported as follows :

Your committee to whom was referred the communication from the governor, are of opinion, that an address of the following import be sent to him.

SIR,

The general assembly are, with you, fully sensible, that every attention ought to be paid to the preservation of peace between the frontiers and the neighbouring Indians, and that mutual amity and intercourse should be preserved. It is the hope of this general assembly that no hostilities will by any of the citizens of this state be committed against the Indians. And should the Indians again offer violence, and commence war against the people of this state, the general assembly declare their confidence in the general government, that the people will be protected.

This general assembly are of opinion, that altho' the payment of the officers and soldiers alluded to, is of importance; yet the absence of the governor from the state might be attended with consequences not pleasing, and think that it will be the duty of the senators and representatives from this state in Congress, to whom the governor will write on that subject, to procure an adjustment and payment of what money may be due on account of that expedition.

With you we join in saying, that peace is a most desirable object for the people of this state; their safety and population on it do depend. With you it is to take care, that the citizens of this state commit no encroachments upon the Indians; that the conditions of the treaty of Holston be preserved inviolate on the part of this state: And should the Indians be so far lost to a sense of their own good and happiness, as to commence hostilities, we have the greatest confidence that you will do those things agreeably to the laws of the Union necessary for the general welfare.

JOHN RHEA, Ch.

Which being read was concurred with.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house upon reading for the third and last time, the 'bill making compensation to the members, clerks, and door keepers of the general assembly, &c.' have struck out of the second section of the bill, and inserted the following, 'Sec. 2. And be it enacted, that the first clerks of the general assembly shall be allowed the sum of two dollars and fifty cents per day for their services. That one dollar and seventy-five cents be allowed, per day, to each assistant clerk; and that the farther allowances be made for contingent expences, namely, to Thomas H. Williams twenty-

two dollars—to John Sevier, jun. twelve dollars and fifty cents—to George Roulstone, twenty-two dollars—to Nathaniel Buckingham twelve dollars and fifty cents.

This house have also added the following as an additional section : ‘ Be it enacted, that Hopkins Lacey, be allowed forty dollars for his services as states attorney, for the first superior court held in the state of Tennessee, on the second Tuesday in April, 1796, he being appointed by the court for that purpose, *pro tempore*.’

If you agree to these amendments, you will send two of your members to see them made.

Which being read, was concurred with, and the following message returned :

Mr. Speaker and Gentlemen,

The senate concur with your amendments to the bill making compensation to the members, clerks, and door-keepers of the general assembly, and name Messrs. Lewis and Rutledge to see them made.

On motion,

Resolved, that George Roulstone, public printer, shall, within two months after the receipt of the copies of the acts and journals at his office, print five hundred copies of the acts, and one hundred copies of the journals of this general assembly, to be distributed as follows : One copy of the acts and journals to his Excellency the Governor ; one copy to the secretary of State ; one copy to each of the members of this state in Congress ; one copy to each of the members of the general assembly ; one copy to each of the clerks of both houses, one copy to each of the judges of the superior courts ; one copy to the attorney general of each district ; one copy to each of the clerks of the superior courts of law, and court of equity, and county courts ; one copy to the major general ; one copy to the brigadier general of each district,

Also, one copy of the acts to the following persons, to wit : One copy to each justice of the peace in this state ; one copy to each field officer of the militia ; and one copy to each commanding officer of each company.—And the overplus, if any, the said printer is directed to lodge in the office of the secretary of state, for the use of the state.

And the printer is hereby directed to transmit the acts and journals for each county for the civil department, to the clerk of each county, who is directed to receipt for the same, and deliver them agreeably to this resolve ; and those for the militia, to the commanding officer of each county, who is also directed to receipt for the same, and deliver them agreeably to this resolve.

Received from the house of representatives, the resolution of this house respecting the printer's duty in printing the laws, &c. endorsed, concurred with.

Received from the house of representatives, the statement of the treasurer's accounts, with the report of the committee thereon ; endorsed, concurred with.

Which is as follows :

Mr. Outlaw from the committee of finance, reported the following statement of the public funds :

| | <i>Dols.</i> | <i>Cts.</i> |
|---|--------------|-------------|
| The amount of monies received by the treasurer of Washington and Hamilton districts, | 6380 | 63 |
| By the amount of monies paid out by the above named treasurer, | 5838 | 3 |
| Balance in the treasury, on which the treasurer's commission of five per cent is paid, | 542 | 60 |
| The amount of monies received by the treasurer of Mero district, | 4900 | 37 5-16 |
| By the amount of monies paid out by the above named treasurer, | 2166 | 33-4 |
| By the amount of said treasurer's commission, at five per cent on the said monies paid out, | 108 | 30 |
| For stationary allowed said treasurer, | 23 | |
| | <hr/> | <hr/> |
| | <i>Dols.</i> | 2297 33 3-4 |
| Balance in the treasury of Mero district, | <i>Dols.</i> | 2603 3 9-16 |

The above accounts settled by Howell Tatom, treasurer of Mero district up to March 18, 1796, as per vouchers, filed in the secretary's office of this state.

Also, by Landon Carter, treasurer of Washington and Hamilton districts, up to April 13, 1796.

ALEX. OUTLAW, Ch.

Which being read, was concurred with.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate propose to add the name of Benjamin M'Nutt to the nomination of magistrates in the county of Greene. They concur in leaving out of the appointment the names of Mahan, Puckett, Lusk, and Dunwoody.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house cannot concur with you in appointing Benjamin M'Nutt a justice of the peace.

Mr. Lewis from the committee appointed to examine engrossed bills, reported that they had examined the following bills, and found them to be duly engrossed. to wit :

An act directing the mode of preferring memorials to the general assembly, for the division of counties, and fixing court houses,

An act providing for the appointment of electors, to elect a President and Vice President of the United States,

An act to prevent the obstruction of the navigtion of Red river,

An act to establish the town of Maryville, and for other purposes therein mentioned,

An act for regulating the town of Jonesborough, &c.

An act ascertaining the number of attorneys general, &c.

An act to provide for the payment of the governor's salary, &c.

An act to repeal part of the sixth section of an act, entitled "An act ascertaining what property in this state shall be deemed taxable property, passed September 30, 1794.

An act making compensation to the members, clerks, and door-keepers, of the general assembly, and for defraying other necessary contingencies.

An act making provision for mistakes in surveys of lands, and

An act to amend an act entitled an act, establishing a town on Cumberland river, at a place called the Bluff, &c.

Received from the house of representatives the following messages :

Mr. Speaker and Gentlemen,

We herewith send you a report of the special committee, appointed to report on the communication of the governor, respecting the practicability of opening a waggon road, by way of the warm springs, through the mountains. It is the sense of this house, that the governor of this state be instructed to inform the governor of South Carolina, that this government will proceed to make the necessary arrangements for the completion of this object, as soon as the public funds will admit.

Mr. Speaker and Gentlemen,

The house agree to strike out the names of those justices of the peace, concerning whom a dissension has arisen, to wit: M'Mahan, Puckett, Lusk and Dunwoody.

Which being read, were concurred with.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The business of the session being ended, the senate propose adjourning *sine die*.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

We concur with your message proposing an adjournment.

The house then adjourned *sine die*.

JAMES WINCHESTER, S. S.

By order of the House,

GEORGE ROULSTONE, C. S.

ESTIMATE of the pay of the members, clerks, and door keepers of the general assembly, begun and held at Knoxville, on the 28th day of March, 1796.

| NAMES. | No. of days. | Pay per day. | No. of miles. | Pay per 25 mls. | Amount. |
|--|--------------|--------------|---------------|-----------------|---------|
| Alexander Kelly, | 25 | \$1 75 | 25 | \$1 75 | \$45 50 |
| James Houston, | 25 | 1 75 | 45 | 1 75 | 46 96 |
| Joseph Black, | 27 | 1 75 | 30 | 1 75 | 49 39 |
| Joel Lewis, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| Robert Weakley, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| Seth Lewis, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| Samuel Frazier, | 27 | 1 75 | 160 | 1 75 | 58 45 |
| Joseph Conway, | 27 | 1 75 | 116 | 1 75 | 55 37 |
| John Gass, | 27 | 1 75 | 150 | 1 75 | 57 75 |
| Joseph M'Min, | 16 | 1 75 | 160 | 1 75 | 39 20 |
| Thomas Henderson, | 27 | 1 75 | 100 | 1 75 | 54 25 |
| John Cocke, | 27 | 1 75 | 70 | 1 75 | 52 15 |
| George Doherty, | 27 | 1 75 | 60 | 1 75 | 51 45 |
| Alexander Outlaw, | 27 | 1 75 | 100 | 1 75 | 54 25 |
| Adam Peck, | 27 | 1 75 | 56 | 1 75 | 51 17 |
| James White, | 27 | 1 75 | | 1 75 | 47 25 |
| John Menefee, | 27 | 1 75 | | 1 75 | 47 25 |
| John Crawford, | 27 | 1 75 | | 1 75 | 47 25 |
| George Rutledge, | 27 | 1 75 | 240 | 1 75 | 64 5 |
| John Rhea, | 27 | 1 75 | 240 | 1 75 | 64 5 |
| David Looney, | 27 | 1 75 | 240 | 1 75 | 64 5 |
| James Winchester, | 27 | 1 75 | 330 | 1 75 | 70 35 |
| Stephen Cantrel, | 27 | 1 75 | 370 | 1 75 | 73 15 |
| William Montgomery, | 27 | 1 75 | 360 | 1 75 | 72 45 |
| John Clack, | 27 | 1 75 | 60 | 1 75 | 51 45 |
| Spencer Clack, | 27 | 1 75 | 60 | 1 75 | 51 45 |
| Samuel Newel, | 27 | 1 75 | 24 | 1 75 | 48 93 |
| James Ford, | 27 | 1 75 | 440 | 1 75 | 78 5 |
| Thomas Johnson, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| William Fort, | 27 | 1 75 | 440 | 1 75 | 78 5 |
| John Tipton, | 27 | 1 75 | 218 | 1 75 | 62 51 |
| James Stuart, | 27 | 1 75 | 200 | 1 75 | 61 25 |
| John Blair, | 27 | 1 75 | 186 | 1 75 | 60 27 |
| Francis A. Ramsey, clerk to the senate, | 7 | 2 50 | | | 17 50 |
| George Roulstone, do, | 20 | 2 50 | | | 50 |

| | | | |
|---|----|------|-------|
| Nathaniel Buckingham, assistant clerk to do, | 27 | 1 75 | 47 25 |
| Allowance to George Roul- stone for contingencies, | | | 22 |
| Allowance to Nathaniel Buckingham for contin- gencies, | | | 12 50 |
| Thomas H. Williams, clerk house of represen- tatives, | 27 | 2 50 | 67 50 |
| Contingencies. | | | 22 |
| John Sevier, jun. assistant clerk, | 27 | 1 75 | 47 25 |
| Contingencies, | | | 12 50 |
| Thomas Bounds, door- keeper to the senate, | 27 | 1 75 | 47 25 |
| J. Rhea, door-keeper to the house of represen- tatives, | 27 | 1 75 | 47 25 |



JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON MONDAY, THE
TWENTY-EIGHTH OF MARCH, ONE THOUSAND SEVEN
HUNDRED AND NINETY SIX.

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE, PRINTER TO THE STATE, 1796.

NASHVILLE:

REPRINTED BY McKENNIE & BROWN, TRUE WHIG OFFICE.

1852.

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OF THE STATE OF TENNESSEE, OF 1851-'2.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TENNESSEE.

AT a meeting of the general assembly of the state of Tennessee, began and held at Knoxville, on the 28th day of March, 1796, being the first session of said assembly, the following members appeared, produced their credentials, and took their seats, viz :

James Houston and Joseph Black, from the county of Blount.
Robert Weakley and Seth Lewis, from the county of Davidson.
Joseph Conway and John Gass, from the county of Greene.
John Cocke and Thomas Henderson, from the county of Hawkins.
Alexander Outlaw and Adam Peck, from the county of Jefferson.
John Menefee and John Crawford, from the county of Knox.
John Rhea and David Looney, from the county of Sullivan.
Spencer Clack and Samuel Newel, from the county of Sevier.
Stephen Cantrell and William Montgomery, from the county of Sumner.
Thomas Johnson and William Fort, from the county of Tennessee.
John Blair and James Stuart, from the county of Washington.

The house proceeded to the appointment of a speaker, when James Stuart was unanimously chosen and conducted to the chair.

It was moved by Mr. Rhea, and seconded by Mr. Fort, that the members of this house take the oath as prescribed by the constitution ; and also the following oath, viz :

I A. B. do solemnly swear (or affirm, as the case may be) that I will support the constitution of the state of Tennessee.

It was then moved by Mr. Outlaw, seconded by Mr. Fort, that the house appoint a clerk, when Thomas H. Williams was unanimously chosen, and qualified accordingly.

On motion of Mr. Fort, seconded by Mr. Cocke, John Sevier was appointed assistant clerk.

John Rhea was chosen door-keeper.

On motion of Mr. Outlaw, seconded by Mr. Fort, resolved, that a committee of five members be appointed to draught and report to this house, what rules are necessary to be observed by the members thereof, and that Messrs. Rhea, Outlaw, Fort, Weakley, and Newel compose said committee.

On motion of Mr. Fort, seconded by Mr. Blair, resolved, that a committee of privileges and elections be appointed, and that Messrs. Johnston, Lewis, Cantrell, Houston, and Gass, compose the same.

The house then adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, MARCH 29, 1796.

THE house met according to adjournment.

It was moved by Mr. Fort, and seconded by Mr. Rhea, that David Looney, a member from Sullivan county, take the oaths required to be taken by the members of this house.

The committee to whom it was referred to draught and report what rules are necessary to be observed, by the members of this house, made the following report, viz :

1st. When the speaker is in the chair every member may sit with his head covered.

2. Every member shall come into the house with his head uncovered, and shall continue so at all times but when he sits in his place.

3. The speaker having taken the chair, and a majority of the members being present, the clerk shall read the journal of the preceding day, in order that any mistake may be corrected that may have been made in the entries.

4. While the journal or public papers are reading, or when any member is speaking, there shall be no interruption, nor shall any member read any printed paper, but the attention of the members is expected.

5. Every member when he speaks, shall, standing in his place, address himself to the speaker (or chairman) as the case may be, who shall give his attention by naming the member.

6. If two or more members rise to speak, at the same time, the speaker shall determine who shall speak first.

7. When any motion shall be before the house, and not properly understood, the speaker may explain, but shall not attempt, in any such explanation, to sway the house by argument or debate.

8. The speaker, with leave of the house, shall have privilege to speak upon any subject proposed, agreeably to the rules established by the house; provided, he speak before the arguments are gone through.

9. A member digressing from the subject, or using personal observation or reflection, may be called to order by the speaker or chairman, or any member of the house.

10. All motions to be committed to writing and seconded, and handed to the speaker, before the same can be considered in the possession of the house, except a motion of course.

11. No question to be put upon motion, unless seconded.

12. No member to speak more than twice, without leave of the house, to the same question, unless in a committee of the whole.

13. When a question is before the house, no motion shall be received unless for amendment, for the previous question, or to commit or to adjourn.

14. No member to depart the service of the house without leave.

15. It shall be the duty of the speaker (or chairman) to call gentlemen spectators, appearing among the members when in session, by name, to desire them to withdraw to the seats assigned them.

All which is submitted,

(Signed)

WM. FORT, Chr.

It was moved by Mr. Rhea, seconded by Mr. Newel, that the members of this house take an oath to support the constitution of the United States, which was objected to; and after some debating thereon was carried in the affirmative, and the following oath prescribed, to wit:

I A. B. do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States.

On motion of Mr. Fort, seconded by Mr. Rhea, ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen of the Senate,

The House of Representatives is now formed and ready to proceed to the dispatch of public business.

Mr. Lewis presented a report from Howell Tatom, esq. treasurer of Merro district, which being read, was, with sundry vouchers accompanying it, on motion of Mr. Rhea, ordered to lie on the table.

On motion of Mr. Fort, seconded by Mr. Rhea, ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen of the Senate,

The House of Representatives have proceeded to appoint a committee of finance, on the part of this house, to act in conjunction with such of your body as you may think proper to appoint for that purpose, and have appointed Messrs. Rhea, Weakley, Outlaw, Johnston, and Houston.

Received the following message from the Senate:

Mr. Speaker and Gentlemen of the House of Representatives,

The senate is also constituted and ready to proceed to the dispatch of public business, and propose to meet your house, at such time and place as you may appoint, in order to open and publish the returns of the elections, from the several counties for governor, agreeably to the constitution of this state.

Ordered, That the following message be sent to the senate:

Mr. Speaker and Gentlemen of the Senate,

This house agree with you in the meeting proposed for examining the returns of the elections for governor, and propose to convene in the House of Representatives at half past 12 o'clock.

Received from the Senate the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

We propose Messrs. Doherty and Tipton, to act with such gentlemen of

your house as you may appoint, as a committee of propositions and grievances.

On motion, ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen of the Senate,

This house concur with you in appointing a committee of propositions and grievances, and nominate on our part, Messrs. Lewis, Fort, Henderson, Newel, and Black, to act in conjunction with the gentlemen by you proposed.

Mr. Rhea presented a list of the taxable property of Sullivan county, for the year 1795, which was received, and on motion, ordered to lie on the table.

A return of the taxable property of the county of Davidson was presented by Mr. Lewis, read by the clerk, and ordered to lie on the table.

The returns of the elections for governor, in the several counties, were examined in presence of both houses, and a majority of votes appearing in favor of citizen John Sevier, he was accordingly declared to be legally and constitutionally elected as governor of the state of Tennessee.

A message from the senate :

Mr. Speaker and Gentlemen,

This house concur with you in appointing a committee of finance, and nominate on the part of this house, Messrs. Lewis and Rutledge, to act in conjunction with the gentlemen by you proposed.

On motion, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

The House of Representatives have nominated six members, viz. Messrs. Outlaw, Blair, Cocke, Johnston, Newel, and Fort, to wait on his excellency John Sevier, and request his attendance in the House of Representatives, to-morrow at 12 o'clock, to be qualified agreeably to the constitution of the state of Tennessee.

A message from the senate :

Mr. Speaker and Gentlemen,

We concur with your last message, and appoint on the part of this house, Messrs. Lewis, Ford, and Kelly, to wait upon his excellency John Sevier, in company with the gentlemen by you appointed, for the purposes by you mentioned. We also concur with you as to the time and place for the qualification of the governor.

Adjourned till to-morrow 9 o'clock, A.M.

WEDNESDAY, MARCH 30, 1796.

Met according to adjournment.

On motion of Mr. Rhea, seconded by Mr. Fort, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

The House of Representatives have appointed a committee to report what bills of a public nature may be necessary to be brought forward this session, to act in conjunction with such of your body as you may appoint

for that purpose, and have named on their part, Messrs. Houston, Weakley, Lewis, Rhea, and Gass.

On motion of Mr. Outlaw, seconded by Mr. Fort, ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

We propose Messrs. Crawford, Looney, and Black, to act with such of your body as may be appointed, to wait on the judges, and request their attendance in the House of Representatives, at 12 o'clock, to qualify the governor.

On motion of Mr. Newel, seconded by Mr. Lewis, ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house have appointed a committee to act in conjunction with such gentlemen as you may appoint, to prescribe an oath of office, to be administered to the governor of this state, and do appoint Messrs. Lewis, Newel, and Rhea.

On motion of Mr. Rhea, seconded by Mr. Crawford, ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house propose to proceed to the election of the two senators, to represent this state in the congress of the United States ; and also, a secretary for this state ; and that the senate and house of representatives do convene in the house of representatives, for that purpose, to-morrow at ten o'clock ; and do propose Mr. William Blount, Mr. William Cocke, and Mr. Joseph Anderson, as candidates for the senate, and Mr. William Mac-lin for secretary.

A message from the senate :

Mr. Speaker and Gentlemen,

We concur with you in appointing a committee to prescribe an oath of office to be administered to the governor ; and on the part of this house appoint Messrs. White and Doherty to act in conjunction with the gentlemen by you named for that purpose.

A message from the senate :

Mr. Speaker and Gentlemen,

We concur with your message respecting the appointing of a committee, 'to report what bills of a public nature may be necessary to be brought forward this session,' and appoint Messrs. Frazier and Tipton, on the part of this house, to act with the gentlemen by you named.

A message from the senate :

Mr. Speaker and Gentlemen,

We propose that Messrs. White, Lewis, and Ford, on the part of this house, in company with such gentlemen of your house as you may appoint, wait upon his excellency governor Blount, to inform him of the time and place appointed for the qualification of his successor in office ; and also to request his attendance there.

On motion, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with your message in appointing a committee to wait on his excellency William Blount, to inform him of the time and place appointed for the qualification of his successor, and name on our part, Messrs. Cantrell, Crawford, Weakley, and Gass.

A message from the Senate :

Mr. Speaker and Gentlemen,

We cannot concur with your message respecting the qualification of the governor by the judges, but propose in lieu thereof, that the clerk of the senate administer the oaths to the governor, in presence of both houses of the general assembly, which being read, was rejected.

On motion of Mr. Rhea, seconded by Mr. Johnston, ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

The form of the oath prescribed for the qualification of the governor is subjoined, which has been agreed to by this house, and hereby forwarded for your concurrence.

The committee to whom was referred the prescribing an oath, for the qualification of the governor, made the following report :

Your committee appointed to prescribe an oath for the qualification of the governor, prescribe the following : All which is submitted,

JOHN RHEA, Chr.

I A. B. do solemnly swear, that I will support the constitution of the United States.—So help me God.

I A. B. do solemnly swear, that I will support the constitution of the state of Tennessee.—So help me God.

I A. B. do solemnly swear, that I will faithfully execute the office of governor of the state of Tennessee, pursuant to the constitution and laws thereof, according to the best of my knowledge and ability.

So help me God.

A message from the Senate :

Mr. Speaker and Gentlemen,

We concur with your message, as to the time and place for the election by you proposed ; and propose Doctor James White to be added to the nomination as candidates for the senate.

On motion, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We cannot agree with your proposals respecting the qualifying the governor ; we still adhere to our former proposals, and request a reconsideration on your part.

A message from the Senate :

Mr. Speaker and Gentlemen,

Upon reconsideration we concur with your message relative to waiting upon the judges, to request their attendance to qualify the governor ; and appoint, on behalf of this house, Messrs. Clack and Rutledge, to accompany the gentlemen by you named for that purpose.

Both houses having convened in the representatives chamber, the sever-

al oaths prescribed for the qualification of the governor, were duly administered by the honorable Joseph Anderson.

Adjourned till to-morrow 9 o'clock, A. M.

THURSDAY, MARCH 31, 1796.

On motion of Mr. Cocke, seconded by Mr. Rhea, ordered, that the address delivered yesterday to both houses of the general assembly by his excellency John Sevier, be entered on the journal of this house.

Gentlemen of the Senate and House of Representatives,

The high and honorable appointment conferred upon me by the free suffrages of my countrymen, fills my breast with gratitude, which, I trust, my future life will manifest. I take this early opportunity to express, through you, my thanks in the strongest terms of acknowledgement. I shall labour to discharge with fidelity the confidence reposed in me; and if such my exertions should prove satisfactory, the first wish of my heart will be gratified.

Gentlemen, accept of my best wishes for your individual and public happiness: And, relying upon your wisdom and patriotism, I have no doubt but the result of your deliberations will give permanency and success to our new system of government, so wisely calculated to secure the liberty and advance the happiness and prosperity of our fellow-citizens.

JOHN SEVIER.

On motion of Mr. Fort, seconded by Mr. Crawford, ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

This house propose to proceed to the election of senators for this state, agreeably to the order of the day; and have appointed on our part, Messrs. Newel and Fort, to superintend the balloting; and also propose, that the tickets be counted in presence of both houses; and that the speaker of the senate pronounce the persons duly elected.

Mr. Conway moved for leave to withdraw the name of Mr. Joseph Anderson from the nomination of senators which was granted, and the following message sent to the senate:

Mr. Speaker and Gentlemen,

Mr. Conway has moved for leave to withdraw the name of Mr. Joseph Anderson, from the nomination of the senate, which motion this house have agreed to, the same is forwarded to you for your concurrence.

A message from the Senate:

Mr. Speaker and Gentlemen,

We concur with your message relative to the election, and appoint on the part of this house, Messrs. Lewis and Doherty, to superintend the balloting. Mr. Tipton has moved, and has leave to withdraw the name of Doctor James White from the nomination of candidates for the senate, to which we request your concurrence.

The Senate and House of Representatives having convened in the representatives chamber, in pursuance of a resolution of both houses of yes-

terday, when William Blount and William Cocke were duly and constitutionally elected, and so proclaimed by the speaker of the senate—and William Maclin was duly elected secretary of this state, and so announced.

On motion of Mr. Rhea, seconded by Mr. Cocke, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose Messrs. Johnston, Houston, Clack, Newel, and Rhea, a committee to act jointly with such of your body as you may appoint, to prepare an address, to present to Messrs. William Blount and William Cocke, informing them of their being elected to represent this state, in the Congress of the United States.

A message from the Senate :

Mr. Speaker and Gentlemen,

We concur with you in appointing a committee to prepare an address to present to the gentlemen who have been elected senators ; and appoint on the part of this house Messrs. Ford and White, to act with the gentlemen by you named for that purpose.

The house then adjourned till 4 o'clock, P.M.

Met according to adjournment.

A letter was read from the treasurer of the districts of Washington and Hamilton, which, with the papers accompanying it, together with sundry other papers relative to the treasury department, from the treasurer of Mero district, were on motion, referred to the committee of finance : Whereupon, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen of the Senate,

We herewith send you a number of papers relative to the treasury department, which are referred on the part of this house to the committee of finance, with which your concurrence is requested.

A message from the Senate :

Mr. Speaker and Gentlemen,

We propose that an election by both houses of the general assembly, be held to-morrow morning at ten o'clock, in the representatives' chamber, for three judges for the superior courts in this state ; also for an attorney general, and a treasurer for this state. We put in nomination for judges, Mr. John M'Nairy, Mr. David Campbell, Mr. Joseph Anderson, and Mr. Archibald Roane ; for treasurer, Mr. Nicholas Tate Perkins and Mr. Landon Carter ; and for attorney general, Mr. Hopkins Lacy and Mr. William C. C. Claiborne, to which we beg your concurrence.

The foregoing message being read, was rejected *in toto* : whereupon, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house cannot concur with your message concerning the election of judges and other officers to-morrow at ten o'clock. At so early a period this house not having as yet determined if any and what alterations shall be made in the court system, or how many judges or whether one or more attorneys general, or one or more treasurers.

A message from the Senate :

Mr. Speaker and Gentlemen,

Mr. White, from the committee appointed to prepare an address to be presented to Citizens William Blount and William Cocke, who have been elected to represent this state in the senate of the United States, reported, that they have prepared the addresses which accompany this message, with which report this house have concurred, and should you concur with the report, we appoint on the part of this House Mr. Tipton and Mr. Lewis with such gentlemen as you may appoint to present the said addresses.

Mr. White from the committee appointed to draw an address, to be presented to William Blount and William Cocke, reported, that they have prepared the following :

Citizen WILLIAM BLOUNT, late Governor of the Territory of the United States of America south of the river Ohio,

SIR,

Impressed with the grateful remembrance of your conduct during the time you was governor of the Territory of the United States of America, south of the river Ohio, now the State of Tennessee, the general assembly of the said State, in the name of the people thereof, over whom you formerly presided, embrace the earliest moment to testify to you, their entire approbation of your conduct and attention to promote their happiness, during your continuance in that office, the exercise of which was rendered more difficult and arduous, by the frequent inroads of the neighbouring nations of Indians. We recollect with pleasure, that under your administration, we, as a people have experienced growing energy and increasing power. That your exertions in subordination to the federal government have been the cause of the present peace, which for some time past, has existed between us and the adjoining Indian tribes, and which, we hope, will long exist, on the principles you have established.

The territorial government now being ended, we will only say in respect thereof, that if the exercise alone of a government, constituted on the principles it was, could render a people happy under it, we should have been so. We rejoice, that while the territorial government has closed with honor to you, it has left us in a state of prosperity and peace.

You are now, sir, called by the unanimous voice of a free people, to represent them in the senate of the United States of America—the highest proof, in their power, to offer of their confidence in your integrity and ability to serve them.

JAMES WHITE, Ch.

Citizen WILLIAM COCKE,

Your fellow citizens have called you to represent them in the Senate of the United States of America. Impressed with recollections of your past conduct, from an early period of the settlement of our common country, they have given you this testimony of the confidence they repose in your integrity and abilities to serve them.

JAMES WHITE, Ch.

The foregoing message, with the report accompanying it, being read, resolved, that this house do concur therewith, and that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

We concur with your message, and the report accompanying it, respecting the addresses to Citizens William Blount and William Cocke, senators in the Congress of the United States ; and appoint on our part, Mr. Outlaw, Mr. Crawford, Mr. Fort, and Mr. Conway, to act with the gentlemen by you proposed.

A message from the Senate :

Mr. Speaker and Gentlemen,

We propose that a transcript from the journals, relative to the election of senators, be signed by the speakers of both houses of the general assembly, and attested by their clerks, and thence be forwarded to the governor of this state, for his certificate and seal of office, which shall be considered as credentials to the gentlemen who are elected senators, in order to their obtaining seats in the senate of the United States.

A petition from sundry inhabitants of Washington county, praying a division thereof, was read and referred on the part of this house to the committee of propositions and grievances.

Adjourned till to-morrow 9 o'clock A. M.

FRIDAY, APRIL 1, 1796.

MET according to adjournment.

Mr. Rhea moved for leave, and presented a bill ascertaining the number of the judges of the superior courts of law and equity, and for fixing their salaries ; which was read the first time, passed and sent to the senate.

Mr. Johnston presented a petition from the inhabitants of Tennessee county, praying a division thereof, which was read ; and on motion of Mr. Fort, referred to the committee of propositions and grievances.

On motion of Mr. Rhea, seconded by Mr. Crawford, ordered, that the members of the committee of propositions and grievances compose a committee of claims ; and that the following message be sent to the senate, requesting their concurrence therewith :

Mr. Speaker and Gentlemen,

This house propose that the committee of propositions and grievances be also a committee of claims, which is sent to you for your concurrence.

We also send you sundry petitions respecting the division of counties, which have been read, and on the part of this house referred to the committee of propositions and grievances.

Received from his excellency the governor, sundry papers respecting the opening a waggon road through the mountains ; which were read and referred to a special committee.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We herewith send you several papers, No. 1, 2, 3, 4, and 5, laid before this house by the governor, which we have referred to a special committee composed on our part, of Messrs. Montgomery, Conway, and Blair, who will act jointly with such gentlemen as you may appoint to take into consideration the said papers.

Mr. Johnston moved for leave, and presented a bill establishing a treasury department, which was read the first time, passed, and sent to the senate.

A message from the senate :

Mr. Speaker and Gentlemen,

Mr. Tipton, from the committee appointed to report what bills of a public nature are necessary to be brought forward this session has presented the report which accompanies this message, to which this house have concurred. The committee not having time to go through the business assigned them, beg leave to sit again ; they accordingly have leave from this house.

Mr. Tipton, from the committee on public bills, reported as follows :

Your committee appointed to report what bills of a public nature are necessary to be brought forward, this session, say, that bills of the following import ought to be introduced, viz :

A bill providing for a public revenue.

A bill providing for the electing of representatives to the Congress of the United States.

A bill providing for the appointment of electors, to elect a President and Vice President of the United States.

A bill to prevent the wilful and malicious killing of slaves.

A bill providing for the relief of the poor.

A bill for the establishment and regulation of public roads and ferries.

A bill ascertaining the mode of collecting and accounting for public taxes.

A bill establishing a treasury department.

A bill establishing a secretary's department:

A bill ascertaining the mode of impeachment and trial of public officers.

A bill for altering the time of holding the several courts of law therein described.

A bill regulating the several officers fees therein mentioned.

A bill to prevent gaming. JOHN TIPTON, Chr.

The foregoing report being read, the house concurred therewith.

On motion, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house concurs with your message, as to that part in which you concur with the report of the committee you mention. We cannot concur with that part which gives leave to said committee to sit again, but propose that they may be considered a standing committee, to sit on their own adjournments, during the session, if they think proper.

Mr. Rhea exhibited some accounts of the sheriff and jailor of Washington county which were read and referred to the committee of claims.

Mr. Black presented a petition from sundry citizens of a place called Tuckaleechee, on Little River, praying redress of certain grievances therein mentioned, which was read and referred to the committee of propositions and grievances.

A message from the senate :

Mr. Speaker and Gentlemen,

We concur with you in referring the petitions from sundry citizens of

Washington and Tennessee counties, to the committee of propositions and grievances; and also that the said committee be a committee of claims, and have added Mr. Ford to the said committee.

Mr. Rhea moved for leave, and presented a bill to prevent the wilful and malicious killing of any black person, or person of mixed blood, he or she being a slave, which was read the first time, passed, and sent to the senate,

A message from the senate :

Mr. Speaker and Gentlemen,

We concur with you in referring the papers No. 1, 2, 3, 4, and 5, which accompany your last message, to a special committee, and appoint on the part of this house Mr. Lewis and Mr. White to act with the gentlemen by you named for that purpose.

On motion, ordered, that the door keeper be directed to furnish a writing table for this house.

Received by the way of the senate, the following address from Citizen Cocke :

Gentlemen,

I accept of the appointment conferred upon me by the general assembly. It will be my first, my greatest wish to promote the interest of our common country.

The honor of serving a free and enlightened people is truly flattering, and my highest reward will consist in my conduct continuing to meet with their approbation.

Accept, gentlemen, my respects,

WILLIAM COCKE.

Adjourned until 3 o'clock, P. M.

A petition of Mr. Joseph Dorris was read and referred to the committee of propositions and grievances.

On motion, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose Messrs. Peck, Looney, and Clack, a committee to act jointly with such gentlemen as you may appoint, to contract with the printer for the public printing.

Mr. Outlaw moved for leave, and presented a bill to amend an act, entitled, 'An act laying a tax for the year 1795,' which was read the first time, passed and sent to the senate.

Mr. Lewis moved for leave and presented a bill providing for the election of representatives, to represent this state in the Congress of the United States, which was read the first time, passed, and sent to the senate.

A message from the senate :

Mr. Speaker and Gentlemen,

Herewith we send you the report of the committee of propositions and grievances, with which report this house have concurred.

Mr. Tipton from the committee, reported, as follows :

Your committee of propositions and grievances, to whom were referred several petitions, do report, that the petition from the county of Tennessee is reasonable, and ought to be granted. That the petition from the

upper end of the county of Washington is reasonable, and ought to be granted.

JOHN TIPTON, Ch.

The foregoing message, and report accompanying it, were read and concurred with.

Mr. Johnston moved for leave, and presented a bill to divide the county of Tennessee into two distinct counties, which was read the first time, passed, and sent to the senate.

Mr. Blair moved for leave, and presented a bill to divide the county of Washington into two distinct counties, which was read the first time, passed, and sent to the senate.

A message from the Senate:

Mr. Speaker and Gentlemen,

We concur with your message, in appointing a committee to contract with the printer for public printing; and appoint on the part of this house Messrs. White and Rutledge, to act with the gentlemen by you named for that purpose.

Mr. Rhea moved for leave and presented a bill establishing the times of holding the superior courts of law and equity, and inferior courts of pleas and quarter sessions, which was read the first time, passed, and sent to the senate.

Mr. Menefee moved for leave of absence until Monday 10 o'clock, which was granted.

Adjourned till to-morrow 10 o'clock, A.M.

SATURDAY, APRIL 2, 1796.

Met according to adjournment.

Mr. Rhea moved for leave to withdraw a bill establishing the times of holding the superior courts of law and equity, and inferior courts of pleas and sessions.

Received the following message from the senate:

Mr. Speaker and Gentlemen,

We propose that a transcript from the journals relative to the election of a secretary for this state, be signed by the speakers of both houses of the general assembly, and attested by their clerks, and be presented to his excellency the governor, that he may commission the secretary who has been elected.

The foregoing message being read, was rejected.

Mr. Outlaw moved for leave and presented a bill to ascertain what property in this state shall be taxed for the year 1797, which was read the first time, passed and sent to the senate.

Received from the senate the following bills.

A bill to divide the county of Tennessee into two distinct counties.

A bill to divide the county of Washington into two distinct counties.

A bill providing for the election of representatives to represent this state in the Congress of the United States.

A bill to prevent the malicious killing of any black person, or person of mixed blood, he or she being a slave.

A bill to ascertain the number of judges of the superior courts of law and equity, and for fixing their salaries.

An act establishing a treasury department, and

An act to amend an act, entitled, 'an act laying a tax for the year 1795.' severally endorsed, 'Read the first time and passed.

Mr. Blair from the special committee delivered a report, which was read and ordered to lie on the table.

Received from the senate a claim of James White, endorsed, 'Read and referred to the committee of claims,' which being read was referred as above.

Mr. Rhea moved for leave and presented a bill directing the mode of the qualification of the secretary of state into office, which was read the first time, passed, and sent to the senate.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We cannot concur with your message relative to the governor being authorised to commission the secretary, previous to a law being passed, directing the mode of his qualification into office.

Mr. Johnston moved for leave to withdraw for amendment, the bill to divide the county of Tennessee into two distinct counties, which was granted.

Mr. Blair moved for leave to withdraw for amendment, the bill to divide the county of Washington into two distinct counties, which was accordingly granted.

Adjourned till Monday morning 12 o'clock, A. M.

MONDAY, APRIL 4, 1796.

THE house met according to adjournment.

The bill to prevent the wilful and malicious killing any black person, or person of mixed blood, he or she being a slave, was read the second time, amended, passed, and sent to the senate.

Mr. Blair, who had leave to withdraw for amendment, the bill to divide the county of Washington into two distinct counties, delivered the same at the clerk's table with the amendments; whereupon this bill was read the second time, amended, passed, and sent to the senate.

Mr. Johnston, who had leave to withdraw for amendment, the bill to divide the county of Tennessee into two distinct counties, presented the same with its amendments to the house, which was read the second time, amended, passed and sent to the senate.

Received from the senate the two following bills :

A bill to ascertain what property within the state shall be taxed for the year 1797, and

A bill directing the mode of the qualification of the secretary of state into office, each endorsed, 'Read the first time and passed.'

Mr. Rhea exhibited sundry accounts of the sheriff of Knox county against the state, which were read and referred to the committee of claims.

The bill to ascertain what property in this state shall be taxed for the year 1797, was, on motion of Mr. Outlaw, withdrawn for amendment.

Mr. Rhea moved for leave, and presented a bill to repeal an act, enti-

ted, 'An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence in the militia service of this Territory, and providing for the widows and orphans of such as have died;' which was read the first time, passed, and sent to the senate.

Mr. Tipton from the committee of claims, reported as follows :

Your committee taking under their consideration the claim of George Gillespie, sheriff of Washington county, are of opinion, that the same ought not to be granted.

JOHN TIPTON, Ch.

Endorsed, concurred with, which was ordered to lie on the table.

Received from the senate the bill to ascertain the number of judges, &c. endorsed, "Read the first time and passed ;" which was, on motion, withdrawn for amendment.

Mr. Johnston moved for leave to withdraw for amendment, the bill establishing a treasury department.

Adjourned until 4 o'clock, P. M..

Met according to adjournment.

Mr. Clack moved for leave and presented, a bill to prevent excessive gaming, which was read the first time, passed and sent to the senate.

Mr. Rhea moved for leave to withdraw for amendment, a bill providing for the election of representatives, to represent this state in the Congress of the United States.

Mr. Outlaw moved for leave to withdraw the bill to amend the tax law, passed in the year 1795.

Ordered, that he have leave accordingly.

A bill directing the mode of the qualification of the secretary of state into office, was read the second time, amended, passed, and sent to the senate.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, APRIL 5, 1796.

MET according to adjournment.

Mr. Rhea moved for leave and presented a bill directing the mode of electing members of the general assembly; which was read the first time, passed, and sent to the senate.

Received from the senate the following bills :

A bill to divide the county of Tennessee into two distinct counties, and

A bill to divide the county of Washington into two distinct counties; each endorsed, read the second time and passed.

Ordered, that these bills be read the third and last time ; which being read, were amended, passed, and returned.

Mr. Rhea, who had leave to withdraw for amendment, the bill directing the mode of electing representatives to represent this state in the congress of the United States, presented the same with the amendments, which was read the second time, passed, and sent to the senate.

Received from the senate the following bills :

A bill directing the mode of the qualification of the secretary of state into office, and

A bill to prevent the wilful and malicious killing any black person, or person of mixed blood, he or she being a slave,' each endorsed, 'Read the second time and passed.' The former of which was ordered to lie on the table, and the latter was on motion of Mr. Fort, withdrawn for amendment.

Mr. Tipton reported as follows:

The committee of claims to whom the claim of James White was referred, against the state, for twenty two dollars and one third, for apprehending and bringing to Knoxville Love Snowden, report, that the same is reasonable and ought to be allowed.

JOHN TIPTON, Chr.

Endorsed, 'concurred with.'

Received from the senate the following bills:

A bill to suppress excessive gaming.

A bill to repeal an act, entitled, 'An act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence in the militia service of this Territory, and providing for the widows and orphans of such as have died.'

A bill to amend an act for the promotion of learning in the county of Davidson, and

A bill concerning oaths, &c. severally endorsed, 'Read the first time and passed.'

Mr. Tipton, from the committee of propositions and grievances, reported as follows:

The committee of propositions and grievances having taken under their consideration, the petition of the inhabitants of that part of Little River, known by the name of Tuckaleechee, report, that the same is reasonable and ought to be granted.

JOHN TIPTON, Chr.

Endorsed, 'concurred with.'

The foregoing report being read and concurred with, Mr. Black then moved for leave and presented a bill to ascertain the lines between Blount and Sevier counties, which was read the first time, passed, and sent to the senate.

Mr. Weakley presented a petition from sundry inhabitants of Davidson county, praying a division thereof, which was read and referred on the part of this house to the committee of propositions and grievances.

Mr. Gass moved for leave, and presented a bill to preclude persons of a certain description from being admitted as witnesses in any civil or criminal case in any court within this state, which was read the first time, passed and sent to the senate.

Mr. Henderson presented a petition from sundry citizens of Hawkins, Knox, and Jefferson counties, which was read and referred to the committee of propositions and grievances.

Adjourned till 3 o'clock, P.M.

Met according to adjournment.

Mr. Johnston, who had leave to withdraw for amendment, the bill establishing a treasury department, returned the same with its amendments, which was read the second time, passed and sent to the senate.

Received from the senate the following bills:

A bill directing the mode of electing members of the general assembly.
 A bill to ascertain the lines between Blount and Sevier counties, and
 A bill to preclude persons of a certain description from being admitted
 as witnesses, &c.

Each endorsed, 'Read the first time and passed.'

Also, a bill providing for the election of representatives, to represent
 this state in the congress of the United States.

Endorsed, 'Read the second time and passed.'

Adjourned until to-morrow, 9 o'clock, A. M.

WEDNESDAY, APRIL 6, 1796.

MET according to adjournment.

Mr. Houston presented a petition from sundry citizens south of French
 Broad; which was read and referred to the committee of propositions and
 grievances.

A bill directing the mode of the qualification of the secretary of state
 into office, was read the third time, passed and sent to the senate.

Mr. Fort who had leave to withdraw for amendment, 'A bill to ascer-
 tain the number of judges,' &c. delivered it in at the clerk's table, with
 the amendments; whereupon this bill was read the second time, amended,
 passed, and sent to the senate.

Received from the senate, a bill establishing a treasury department; en-
 dorsed, 'Read the second time and passed;' which was ordered to lie on
 the table until to morrow.

A message from the Senate:

Mr. Speaker and Gentlemen of the House of Representatives,

We propose that a committee be appointed to examine engrossed bills,
 and have, for that purpose, named Mr. M'Min, to act with such gentlemen
 as you may appoint on your part.

The foregoing message being read, was concurred with.

Mr. Fort who had leave to withdraw for amendment, 'A bill to prevent
 the wilful and malicious killing of any black person, or person of mixed
 blood, he or she being a slave,' returned the bill, and proposed the follow-
 ing amendment, to follow immediately after the last section: 'And be it
 enacted, that an indictment, or indictments, brought against any person or
 persons, for killing a slave as aforesaid, appearing to be frivolous or ma-
 licious, the prosecutor shall pay all costs accruing on such indictment,
 and a fine not exceeding fifty dollars, which shall be disposed of as other
 fines in this state,' which was received.

Mr. Lewis then offered the following in lieu thereof:

And be it enacted, 'That if on the trial of any indictment brought on
 this act, the same shall appear to be frivolous or malicious, the prosecutor,
 in that case, shall pay all costs thereof; and shall, moreover, be liable to
 an action on the case, at the suit of the party aggrieved, who shall recover
 damages, to be assessed by the verdict of a jury; which was carried in
 the negative: Whereupon Mr. Lewis called for the yeas and nays, and
 was seconded by Mr. Cocke, which stood as follows:

Against the amendment,

| | |
|----------------|------------------|
| Messrs. Black, | Messrs. Houston, |
| Blair, | Johnston, |
| Cantrell, | Newel, |
| Conway, | Outlaw, |
| Crawford, | Peck, |
| Gass, | Weakley, |
| Fort, | |

In favour of the amendment.

| | |
|----------------|-----------------|
| Messrs. Clack, | Messrs. Looney, |
| Cocke, | Menefee, |
| Henderson, | Montgomery, |
| Lewis, | Rhea. |

The bill was then ordered to lie on the table till to-morrow for further consideration.

Mr. Weakley moved for leave, and introduced a bill to appropriate certain monies, &c. which was read the first time, passed, and sent to the senate.

Mr. Outlaw presented a petition from sundry citizens of Jefferson county, praying a division thereof, which was read and referred to the committee of propositions and grievances.

Adjourned till 3 o'clock, P.M.

Met according to adjournment.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with you in appointing a committee to examine engrossed bills, and name on our part Mr. Cocke and Mr. Conway.

The bill to amend an act, entitled, 'An act for the promotion of learning in the county of Davidson'—also, the bill concerning oaths, &c. were each read the first time, passed, and sent to the senate.

Mr. Cocke moved for leave to withdraw for amendment, a bill to suppress excessive gaming.

A bill to repeal an act, entitled, 'An act for the relief of such persons as have been disabled by wounds,' &c. was read the second time, passed, and sent to the senate.

Received from the senate, a bill to amend an act, entitled, 'An act for establishing a militia in the state of North Carolina,' which said act is now in force in this state.

Ordered, that this bill be read, which being read, was passed the first time and returned.

The bill to ascertain the lines between Blount and Sevier counties, was, on motion of Mr. Newel, ordered to lie on the table until Saturday.

A bill providing for the election of representatives to represent this state in the congress of the United States, was read the third time, amended, passed, and sent to the senate.

Received from the senate the following bills :

'A bill concerning oaths, &c. endorsed, 'read the second time, amended and passed.'

A bill to repeal an act, entitled, 'an act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this Territory, and providing for the widows and orphans of such as have died,' endorsed, 'Read the second time and passed.'

A bill for the appropriation of certain monies therein mentioned, and for other purposes :

And a bill to appropriate certain monies, each endorsed 'read the first time and passed.'

Mr. Fort moved for leave to withdraw for amendment, the bill directing the mode of electing members of the general assembly.

The bill to preclude persons of a certain description from being admitted as witnesses, in any civil or criminal case in any court within this state, was ordered to lie on the table till to-morrow.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate have had before them, the bill, 'Declaring the mode of electing representatives to represent this state in Congress,' and cannot agree to the amendment by you made in the second section of said bill ; but adhere to their amendment, to wit : 'The first Thursday of August,' and 'the succeeding day,' they are willing to add: If you agree to this amendment, you will please send two of your members, to see the alterations made. Further, as it respects the second election, the senate propose, that said clause be amended, by adding after the word 'August,' the words, 'and the succeeding day.'

Ordered, that the foregoing message lie on the table until to-morrow.

Adjourned till to-morrow 9 o'clock A. M.

THURSDAY, APRIL 7, 1796.

Met according to adjournment.

On motion, ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We agree to the amendments by you proposed, to the bill directing the mode of electing representatives to represent this state in congress, and Messrs. Cocke and Looney will attend and see the alterations made.

A bill to appropriate certain monies, was read the second time, passed, and sent to the senate.

Mr. Rhea moved for leave, and presented a bill for the amendment of the law, which was read the first time, passed, and sent to the senate.

Mr. Gass moved for leave to withdraw for amendment, the bill to preclude persons of a certain description from being admitted as witnesses in any civil or criminal case, in any court in this state.

A bill for the appropriation of certain monies therein mentioned, and for other purposes, was read the first time, passed, and sent to the senate,

A bill to repeal an act, entitled, 'An act for the relief of such persons as have been disabled by wounds, &c. was read the third time, passed, and sent to the senate.

A bill concerning oaths, &c. was ordered to lie on the table until to-morrow.

Mr. Cocke moved, and was seconded by Mr. Lewis, that the following words, 'And a fine of not exceeding fifty dollars, which shall be disposed of as other fines in this state,' be struck out of Mr. Fort's amendment to the 'bill to prevent the wilful and malicious killing of any black person, or person of mixed blood, he or she being a slave, which was objected to; and the question being put thereon, was carried in the affirmative.

Mr. Fort then moved for the whole amendment to be struck out, which was agreed to.

Mr. Fort moved for leave to withdraw the aforesaid bill for amendment.

Received from the senate the following report :

Mr. Tipton reported as follows,

Your committee of propositions and grievances, to whom was referred the petition of sundry inhabitants south of French Broad, who live over the line of experiment, are of opinion that the state cannot grant them any relief.

JOHN TIPTON, Ch.

Endorsed, concurred with.

This house taking the foregoing report into consideration, concurred therewith.

The bill establishing a treasury department, was read the third time, amended, passed and sent to the senate.

Mr. Lewis prayed to be withdrawn from the committee of propositions and grievances, which was granted; whereupon, on motion, ordered, that Mr. Cantrell be added thereunto.

Received from the senate the following bills :

A bill for amendment of the law,

Endorsed, "Read the first time and passed."

A bill for the appropriation of certain monies therein mentioned, and for other purposes,

Endorsed, "Read the second time amended and passed."

Mr. Outlaw, who had leave to withdraw for amendment "a bill to ascertain what property in this state shall be taxed for the year 1797, and for collecting the same," presented the bill with its amendments, which was received and ordered to lie on the table until to-morrow.

Received from the senate, the bill ascertaining the number of judges, &c. which was ordered to lie on the table for the third reading to-morrow.

Adjourned until 4 o'clock, P. M.

MET according to adjournment.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, APRIL 8, 1796.

Met according to adjournment.

Agreeably to the order of the day, the bill to ascertain the number of judges of the superior courts, &c. was read the third time, amended, passed and sent to the senate.

Mr. Fort moved for leave to withdraw for amendment, until Monday next, the bill to ascertain what property in this state shall be taxed for the year 1797.

The bill concerning oaths, &c. was read the second time, amended, passed and sent to the senate.

A bill for the appropriation of certain monies therein mentioned, and for other purposes, was on motion withdrawn for amendment.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose to proceed to the appointment of three judges of the superior courts of law and equity ; "and also two treasurers, one for the districts of Washington and Hamilton, and one for the district of Mero ; and that both houses convene in the representatives' chamber, to-morrow at 11 o'clock, for that purpose. We nominate as candidates for judges, Messrs. John M'Nairy, Joseph Anderson, David Campbell, Willie Blount, Archibald Roan, Howell Tatom, and Ephraim Dunlap ; and for treasurers, Landon Carter and Nicholas Tate Perkins, for the districts of Washington and Hamilton ; and Edmund Gamble, William Black, Robert Searcy, and William Cage, senior, for the district of Mero, and have appointed Messrs. Fort and Lewis to superintend the balloting.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Mr. Rhea moved for leave and presented, " A bill to provide for the safe keeping of the acts, records and papers of the State of Tennessee, and for other purposes, which was read the first time, passed and sent to the senate.

Received from the senate, the report of the committee of propositions and grievances, upon the petition of the inhabitants of Hawkins, Knox, and Jefferson counties.

Endorsed, " concurred with."

Which was read and concurred with by this house and returned.

Mr. Lewis moved for leave to withdraw for amendment, " A bill for the amendment of the law."

Mr. Clack who had leave to withdraw for amendment, the bill to suppress excessive gaming, returned the bill with its amendments.

Which was read the second time, amended, passed and sent to the senate.

Received from the senate, a bill ascertaining a line between Knox, Jefferson and Sevier.

Endorsed, " Read the first time and passed."

Ordered, that this bill be read, which being read, was passed the first time and returned.

Received from the senate the following address from William Blount, esquire.

Mr. Speaker and Gentlemen of the Senate, and

Mr. Speaker and Gentlemen of the House of Representatives,

The entire approbation of the people of my conduct in office by you testified, is the highest reward I could receive.

Accept, gentlemen, my thanks for the prompt and warm manner in which you have been pleased to convey it to me.

With you, I hope, that the peace which exists between the citizens of the United States and the Indian tribes will long continue, as in peace consists the happiness and prosperity of both parties; and thus impressed, it shall be my duty, in whatever situation I may be placed, to use my efforts to its preservation.

I feel as I ought, the unanimous call of my fellow-citizens, to represent them in the senate of the United States, and shall devote myself to the promotion of their interests, as far as is consistent with that of the whole body politic, of which they are a part.

Accept, gentlemen, my best wishes for your individual happiness.

(Signed)

WM. BLOUNT.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate upon reading for the third and last time, the bill to ascertain the number of judges of the superior courts of law and equity, and the fixing their salaries, have amended it in the following manner : After the words, *in this state*, in the first section of said bill, they have added, ' Any one or more of whom, are hereby authorised and empowered to hold any of the said courts—And it shall be the duty of each and every of the said judges to attend each and every term : And in case of failure, so to attend without sufficient cause for such failure be shewn, it shall be deemed a misdemeanor in office, for which he or they shall be liable to presentment, indictment, or impeachment ; but judgment, in such cases shall not extend further, than to removal from office.' If you agree to this alteration, you will please send two of your members to see it made.

Ordered, That the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We cannot concur with the amendment by you proposed to the bill ascertaining the number of judges, &c.

Received from the senate, a file of papers respecting the claim of Joseph M'Min against the state.

Endorsed, " Read and referred to the committee of claims," which were read, referred in like manner and returned.

Mr. Henderson moved for leave and introduced, " A bill to divide Hawkins and Knox counties, and form a distinct county ; which was read the first time, passed and sent to the senate.

Mr. Menefee moved for leave, and introduced, " A bill prescribing the mode of electing the military officers of this state ;" which was read the first time, passed and sent to the senate.

Mr. Montgomery was, on motion, added to the committee of propositions and grievances.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate propose to meet your house in conference, to-morrow morning at 9 o'clock, in the representatives' chamber, to take into consideration the bill to ascertain the number of judges, &c. and if possible to adjust the difference.

Ordered, that the following messages be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with you in the conference by you proposed, to-morrow at 9 o'clock.

Mr. Speaker and Gentlemen of the Senate,

We have added Mr. Montgomery to the committee of propositions and grievances.

Adjourned till to-morrow, 9 o'clock, A. M.

SATURDAY, APRIL 9, 1796.

Met according to adjournment.

A bill to ascertain the lines between Blount and Sevier counties, was passed the second time and sent to the senate.

Adjourned till 11 o'clock, A. M.

Met according to adjournment.

Mr. Blair presented a petition from sundry citizens of Jonesborough ; which was read and referred to the committee of propositions and grievances.

Received from the Senate the following bills :

A bill prescribing the mode of electing the military officers of this state,

A bill to divide Hawkins and Knox counties, and form a district county, and

A bill to provide for the safe keeping of the acts, records, and papers of the State of Tennessee, and for other purposes,

Each endorsed, " read the first time and passed."

Which were severally withdrawn for amendment.

Received from the senate the following report of the committee of claims, Endorsed, " concurred with."

Your committee to whom was referred the claim of Joseph M'Min, are of opinion, he ought to be allowed two hundred dollars, for his services as an express to Philadelphia and back to this place, and no more.

JOHN TIPTON, Ch.

The foregoing report being read was concurred with.

Received from the senate, a petition from sundry citizens of Jefferson county ; endorsed, " referred to the committee of propositions and grievances ; which was read, referred in like manner and returned.

Messages from the Senate :

Mr. Speaker and Gentlemen,

The senate have agreed to amend the bill; 'ascertaining the number of judges of the superior courts,' &c. by striking out from the first section of said bill, all the words after the word *shewn*, which are, 'For which he or they shall be liable to presentment, indictment, or impeachment; but judgment, in such case, shall not extend further than to removal from office.'

The senate have amended said bill, by inserting the following section: 'And be it enacted, That the clerk of each of the said courts shall, each day of any term of any of the said courts, enter on the minutes of said courts, respectively, the name or names of the judge or judges, who shall be present at the meeting thereof: And on failure, it shall be deemed a misdemeanor in office, and.' The above amendment is intended to be the first part of the section, pointing out the duty of the clerks, of the superior courts, in granting certificates of attendance to the judges. If you agree to the amendments, as now proposed you will please send two of your members to see them made.

Mr. Speaker and Gentlemen,

The senate have added Messrs. Clack and White to the committee of propositions and grievances.

Ordered, That the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with your last amendments to the bill, ascertaining the number of judges, &c. and name Messrs. Cantrell and Rhea, to see the alterations made.

Received from the senate, a petition of sundry inhabitants of Knox county; endorsed "read and referred to the committee of propositions and grievances;" which was read and referred in like manner and returned.

Mr. Houston moved to be withdrawn from the committee of finance, which was granted; and on motion, Mr. Cocke was added thereunto.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate agree to your message of yesterday, for appointing three judges of the superior courts of law and equity, and for two treasurers, except as to the time of meeting, which we propose to be at 3 o'clock this afternoon, and have appointed Messrs. Lewis and Frazier to superintend the balloting.

Mr. Fort, who had leave to withdraw for amendment, the bill to prevent the wilful and malicious killing of any black person, &c. returned the bill, to which he proposed the following amendatory section,

And be it enacted, "That if any persons, shall frivolously or maliciously prosecute persons, who shall, upon trial, be acquitted of the crime alledged, the prosecutor in that case shall pay all costs, and shall be liable to an action on the case for damages; and if such prosecutor shall not have property sufficient to discharge all costs, he shall be imprisoned twenty days, and then sold out by the sheriff, to the highest bidder, to discharge the same."

Mr. Rhea then moved for all the subsequent part of the clause, from the word "damages" to be struck out, which carried.

The house adjourned until 3 o'clock, P. M.

MET according to adjournment.

Both houses having convened in the representatives' chamber, John M'Nairy, Willie Blount, and Archibald Roane, esquires, were duly and constitutionally elected judges of the superior courts of law and equity. And in like manner Landon Carter was elected treasurer for the districts of Washington and Hamilton, and William Black for the district of Mero.

Ordered, that Mr. Houston have leave to absent himself from the service of this house until Wednesday next.

Adjourned till Monday 12 o'clock, A. M.

MONDAY, APRIL 11, 1796.

THE house met according to adjournment.

A message from the governor :

Mr. Speaker and Gentlemen of the General Assembly,

Permit me to remark to your honorable body, that our senators are about to proceed to the federal legislature, it may not be inexpedient to remind them of the necessity of taking under consideration, the embarrassed situation claimants of land are under, to those lying south of the line concluded on in the treaty of Holston, and now within the Indian boundary.

In my humble opinion, it is a matter of great public importance, and particularly interesting to the state and to individuals, to either have the Indian claims extinguished, or the adventurers compensated for those lands.

I have no doubt but you will take the premises under due deliberation, and give your senators such instructions as you, in your wisdom, may deem necessary and advisable.

(Signed,)

JOHN SEVIER.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We herewith send you a communication we received this day from the governor, which we have referred to a select committee, and have named for that purpose, Messrs. Rhea, Outlaw, Johnston, and Lewis.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate propose that a transcript from the journals of the general assembly respecting the election of the judges of the superior courts of law and equity, be presented to the governor for his information, in order that he may proceed to commission the gentlemen elected, and name Mr. Rutledge on the part of this house, to wait on the governor with the same.

The senate also propose, that a joint committee wait on the gentlemen elected judges, and present them with a transcript from the journals, sign-

ed by the speakers, respecting their election; and name on our part Mr. Tipton.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with your message, proposing that a transcript from the journals respecting the election of the judges should be presented to the governor, and name on the part of this house, Messrs. Lewis and Cocke, for that purpose.——We also name Messrs. Johnston and Fort, to act with the gentlemen by you proposed to wait on the gentlemen elected judges.

A message from the Senate :

Mr. Speaker and Gentlemen,

We herewith send you a resolution in favor of Joseph M'Minn and James White, with which we request your concurrence.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house cannot concur with your message respecting the mode of allowing payment to Joseph M'Min and James White.

Received from the senate, a bill to appropriate certain monies, endorsed "read the second time and passed," which was read the third time, amended, passed and returned.

Mr. Rhea, who had leave to withdraw for amendment "A bill for the safe keeping of the acts, records and papers of the state of Tennessee," returned the bill, which was read the second time, amended, passed and sent to the senate.

Received from the senate sundry petitions from Jefferson county, endorsed "read and referred to the committee of propositions and grievances," which were read, referred in like manner and returned.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate concur with you in referring the communication of his excellency the governor, of this day to a select committee, and name Messrs. M'Minn, Lewis, Tipton and Rutledge, on our part.

Adjourned until 4 o'clock, P. M.

Met according to adjournment.

Received from the senate, a bill to amend an act for the promotion of learning in the county of Davidson, endorsed "read the second time, amended and passed."

Ordered, that Mr. Crawford have leave of absence until Thursday next.

Received from the senate, a bill directing the mode of qualifying petit jurors and constables, endorsed "Read the third time, amended and passed." A bill to ascertain the lines between Blount and Sevier counties, endorsed "read the second time and passed."

Ordered, that this bill be read, which being read, was passed the third time and returned.

Mr. Johnston moved for leave and presented a bill for establishing a

town in Robertson county, which was read the first time, passed, and sent to the senate.

Mr. Lewis presented a remonstrance from Andrew Jackson, which was read and referred to the committee of claims.

Also a petition from sundry citizens of Nashville, which was read and referred to the committee of propositions and grievances.

On motion of Mr. Weakley, seconded by Mr. Newell,

Resolved, that no bills either of a public or a private nature be received after Saturday next.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We herewith send you a resolution entered into by this house, with which your concurrence is requested.

Mr. Cantrell, who had leave to withdraw for amendment the bill for the appropriation of certain monies therein mentioned, and for other purposes; returned the bill with its amendments, was received, and ordered to lie on the table until to-morrow.

Mr. Fort, who had leave to withdraw for amendment the bill directing the mode of electing members of the general assembly, returned the bill, which with its amendments was received, and ordered to be read.

Mr. Johnston moved, that the word "defendant," in the last line of the seventh section be struck out, and the word "plaintiff" inserted. This being objected to, the question was put, and it was carried; to which Mr. Rhea, in behalf of himself and others, entered the following protest,

"On this question a discent is entered, because it obliges the plaintiff to prove a negative."

John Rhea,

Seth Lewis.

John Cocke,

Mr. Rhea then proposed the following amendment to be added to the fourth section :

"And if any person shall swear falsely in this case, on conviction thereof, he shall suffer the pains and penalties of wilful and corrupt perjury," which was received.

The bill was then read the second time, amended, passed and sent to the senate.

Mr. Johnston, who had leave to withdraw for amendment the bill prescribing the mode of electing military officers, returned the bill, which was received, and ordered to lie on the table until to-morrow.

Adjourned till to-morrow 12 o'clock, A. M.

TUESDAY, APRIL 12, 1796.

Met according to adjournment.

Mr. Newel presented a petition from sundry inhabitants of Sevier county, which was read and referred to the committee of propositions and grievances.

Mr. Johnson from the select committee, reported as follows :

Your committee to whom the communication from the governor, relative to the lands south of the line of the treaty of Holston, claimed by grantees

under North Carolina, was referred, do recommend the following resolution :

Resolved, that it be an instruction to the senators and representatives of this state, in the Congress of the United States, to state to that body, that it is essential to the preservation of peace, between the Indian tribes and the United States, that measures be, by them, taken to relieve and quiet the grantees of lands under the state of North Carolina, the possession of which is guaranteed to the Indians by treaty, which claim we wish extinguished, and the claimants put in peaceable possession of their lands.

THOMAS JOHNSON, Ch.

The foregoing report being read, was concurred with.

A bill to amend an act for the promotion of learning in the county of Davidson, was read the second time, amended, passed and sent to the senate.

Adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, APRIL 13, 1796.

MET according to adjournment.

Mr. Newel moved for leave and introduced "A bill to encourage the killing of wolves,"

Which was read the first time, passed and sent to the senate.

Mr. Montgomery presented a bill appointing commissioners and trustees, the former to fix on a place in the county of Sumner, and the latter to purchase it, to erect a court-house, prison and stocks, and establish a town therein.

Which was read the first time, passed and sent to the senate.

Mr. Gass, who had leave to withdraw for amendment the bill to preclude persons of a certain description from being admitted as witnesses, &c. returned the bill with its amendments, which was received and ordered to lie on the table.

Received from the senate :

A bill to amend an act for the promotion of learning in Davidson county.

Endorsed "Read the third time, amended and passed."

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Mr. Johnson presented a remonstrance from David Smith, which was read and referred to the committee of claims.

Received from the senate :

A bill making compensation for the members, clerks and door-keepers of the general assembly, and, for defraying other necessary contingencies.

Endorsed, "Read the first time and passed."

Ordered, that this bill be read, which being read, was passed the first time and returned.

Mr. Rhea moved for leave, and introduced a bill for amendment of the law respecting public roads and ferries,

Which was read the first time, passed and sent to the senate.

Received from the senate,

A bill to amend an act now in force in this state,

Endorsed "Read the second time, amended and passed."

Which was on motion of Mr. Fort withdrawn for amendment.

Mr. Johnson moved for leave to introduce a bill establishing a town by the name of Palmyra,

Which was read the first time, passed and sent to the senate.

Received from the senate,

A bill for establishing a town in Robertson county.

Endorsed "Read the first time and passed."

Mr. Lewis moved for leave, and presented a bill for the relief of such persons as have or may suffer by the loss of the records of the court of equity, for the district of Mero,

Which was read the first time, passed and sent to the senate.

Received from the senate the following reports,

Each endorsed, "Concurred with."

Your committee to whom was referred a petition from the inhabitants of Davidson county, are of opinion, that the same be laid over until the next general assembly.

JOHN TIPTON, Ch.

Your committee to whom was referred the petition of Charles Robertson, esq. of the town of Jonesborough, having taken the same under their consideration, report that the same ought not to be allowed, for reason of but one signer to said petition.

JOHN TIPTON, Ch.

Your committee to whom was referred several petitions from the inhabitants of Jefferson county upon several subjects, are of opinion, that all petitions from the inhabitants of said county be laid over until the next general assembly, only such as respect the division of said county.

JOHN TIPTON, Ch.

The foregoing reports being read, the two former were concurred with by this house, and the latter rejected: Whereupon,

Ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

We cannot concur with your message respecting the report of the committee of propositions and grievance, upon the petitions from the citizens of Jefferson county.

A bill for amendment of the law was read the second time, amended, passed and sent to the senate.

Received from the senate,

A petition from sundry citizens of Knox county,

Endorsed, "Read and referred to the committee of propositions and grievances," which was read, referred in like manner and returned.

Received from the senate the following bills:

A bill for the relief of such persons as have or may suffer by the loss of the records of the court of equity for the district of Mero.

A bill to encourage the killing of wolves,

A bill appointing commissioners and trustees, &c.

A bill establishing a town by the name of Palmyra.

And a bill for the amendment of the law respecting public roads and ferries.

Severally endorsed, "Read the first time and passed."

Mr. Fort, who had leave to withdraw for amendment, the bill to ascertain what property in this state shall be taxed for the year 1797, returned the bill, which was, on motion, referred to a special committee composed of Messrs. Rhea, Lewis and Outlaw.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house have referred the bill ascertaining what property in this state shall be taxed for the year 1797, to a special committee composed on our part of Messrs. Rhea, Lewis and Outlaw, to act jointly with such of your body as you may name for that purpose.

Mr. Johnson who had leave to withdraw for amendment the "bill prescribing the mode of electing the military officers of this state," returned the bill, which, with its amendments was received, read the second time, passed and sent to the senate.

Adjourned till 4 o'clock, P. M.

Met according to adjournment.

The bill for establishing a town in Robertson county, by the name of Springfield,

Was read the second time, amended, passed and sent to the senate.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate concur with you in referring "the bill ascertaining what property in this state shall be taxed for the year 1797," and name on our part Messrs. Doherty, White and Rutledge.

A bill concerning oaths, &c. was read, and on motion of Mr. Fort, was laid over until the next general assembly.

Ordered, That the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We have added Messrs. Weakley, Conway and Johnson, to the committee to whom is referred the bill ascertaining what property in this state shall be taxed for the year 1797.

Mr. Newel moved for leave to withdraw for amendment "A bill ascertaining a line between Knox, Jefferson and Sevier.

Adjourned till to-morrow 10 o'clock A. M.

THURSDAY, APRIL 14, 1796.

Met according to adjournment.

A bill establishing a town by the name of Palmyra, was read the second time, passed, and sent to the senate.

A bill appointing commissioners and trustees, &c. was read the second time, passed and sent to the senate.

The bill to encourage the killing of wolves, was read the second time, amended, passed, and sent to the senate.

Received from the senate,

The memorial of James Conner,

Endorsed, 'Read and referred to the committee of propositions and grievances,' which was read, referred in like manner and returned.

Mr. Montgomery presented the petition of Joshua Hadley,

Which being read, was referred to the committee of propositions and grievances.

Received from the senate,

The following reports of the committee of propositions and grievances, Each endorsed, 'concurring with.'

Your committee to whom was referred sundry petitions from the inhabitants of Jefferson county are of opinion, that all petitions relative to said county be laid over until the next general Assembly.

JOHN TIPTON, Ch.

Your committee to whom was referred the petitions from the inhabitants of Sevier county, are of opinion, that the petitions relative to said county be laid over until the next general assembly. JOHN TIPTON, Ch.

The foregoing reports being read, the former was concurred with, and the latter rejected; whereupon,

Ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

The house of representatives cannot concur with the report of the committee of propositions and grievances, upon the petitions from Sevier county.

Mr. Newel moved for leave and introduced, a bill to appoint commissioners to fix on a place to erect a court-house, prison and stocks, in Sevier county.

Which was read the first time, passed and sent to the senate.

Mr. Fort moved for leave to withdraw for amendment, a bill respecting public roads and ferries.

Received from the senate,

A bill prescribing the mode of electing the military officers of this state, Endorsed, 'Read the second time, amended and passed.'

Ordered, that this bill be read, which being read, was amended, passed the third time and sent to the senate.

Also, a bill establishing a town in Robertson county,

Endorsed, 'Read the second time and passed.'

Which was read the third time, amended, passed and returned.

Likewise the following bills:

A bill establishing a town by the name of Palmyra,

Endorsed, 'Read the second time and passed.'

A bill allowing writs of error in certain cases and for other purposes,

Endorsed, 'Read the second time amended and passed.'

Adjourned till 4 o'clock, P. M.

Met according to adjournment.

The bill to preclude persons of a certain description from being admitted as witnesses, &c. was then taken up, to which Mr. Gass proposed the following amendment:

A bill 'Imposing a fine on persons who publicly deny the being of a God, and a future state of rewards and punishments, who publicly denies the divine authority of the Old and New Testaments.'

'Be it enacted by the general assembly of the state of Tennessee, that from and after the passing of this act, if any person in this state shall publicly deny the being of a God, and a future state of rewards and punishments, or shall publicly deny the divine authority of the Old and New Testaments, on being convicted thereof, by the testimony of two witnesses, shall forfeit and pay the sum of

dollars for every such offence, to be applied to the use of the county in which the offence shall have been committed ; to be recovered as an action of debt before any jurisdiction having cognizance thereof.'

The foregoing amendment being received, the question was taken on the passage of the amended bill which was carried :

Whereupon the yeas and nays were called upon by Mr. Johnston and Mr. Gass, which stood as follows :

For the passage of the bill,

Yeas. Messrs. Blair, Black, Conway, Clack, Crawford, Gass, Houston, Johnson, Looney, Montgomery, Newel, Outlaw, Peck, and Weakley—14.

Nays.—Messrs. Cantrell, Cocke, Fort, Henderson, Lewis, Menefee, Rhea.—7.

Mr. Lewis entered the following protest :

To this question we enter our dissent, as we conceive the law to be an inferior species of persecution, which is always a violation of the law of nature ; and also, that it is a violation of our constitution.

Messrs. Seth Lewis, John Cocke, William Fort, John Rhea, Stephen Cantrel, John Menefee, and Thomas Henderson.

Adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, APRIL 15, 1796.

Met according to adjournment.

Received from the Senate the following bills :

A bill to provide for the safe keeping of the acts and records of the state,

Endorsed, ' Read the second time, amended, and passed.'

A bill appointing commissioners to fix on a place to erect a court house, prison and stocks, in Sevier county,

Endorsed, ' Read the first time and passed.'

Also, a bill for changing the place of holding courts in Jefferson county,

Endorsed, ' Read the first time and passed.'

Ordered, that this bill be read, which being read, was passed the first time and returned.

Mr. Weakley moved for leave and introduced a bill to regulate the several officers fees therein mentioned.

Which was read the first time, passed and sent to the senate.

Received from the senate,

The bill establishing a town in Sumner county,

Endorsed, ' Read the second time, amended, and passed.'

The bill was then read for the third time, amended, passed, and returned.

Mr. Lewis presented the petition of Daniel Rowan, which was read and referred to the committee of propositions and grievances.

Mr. Fort who had leave to withdraw for amendment, the bill concerning public roads and ferries, returned the bill,

Which was read the second time, amended, passed and sent to the senate.

Received from the senate, the following reports from the committee of propositions and grievances, each endorsed 'Concurred with.'

Your committee to whom was referred the petition of Daniel Rowan, are of opinion that the same lie over until the next general assembly.

JOHN TIPTON, Ch.

Your committee to whom was referred a petition relative to distempered cattle, are of opinion that the same is reasonable and that a bill be brought forward for that purpose.

JOHN TIPTON, Ch.

Your committee having taken under their consideration the memorial of James Conner, are of opinion that it is reasonable and that a bill for his relief be brought forward.

JOHN TIPTON, Ch.

The foregoing reports being read, were concurred with.

Received from the senate, the bill directing the mode of electing members of the general assembly, endorsed, 'read the second time, amended, and passed.'

The bill establishing a town by the name of Palmyra, was read the third time, amended, passed, and sent to the senate.

Received from the senate, the bill respecting public roads and ferries, endorsed, 'read the second time, amended, and passed.'

A bill for the relief of such persons as have or may suffer by the loss of the records of the court of equity for the district of Mero, was read the second time, amended, passed and sent to the senate.

Adjourned till 4 o'clock, P. M.

Met according to adjournment.

Mr. Lewis moved for leave and introduced a bill to repeal the forty-eighth section of an act, passed at Edenton in the year 1741, entitled, 'An act concerning servants and slaves,' which was read the first time, passed, and sent to the senate.

Received from the senate the following reports, endorsed, 'Concurred with.'

Your committee to whom was referred the petition of Joshua Hadley, consider that the same is reasonable and ought to be granted, and recommend that a bill remitting fines and forfeitures with respect to lands, held by non-residents of this state should be passed.

JOHN TIPTON, Ch.

Your committee having taken under consideration the petition from the citizens of Nashville, report generally in favour of the petition.

JOHN TIPTON, Ch.

Your committee to whom was referred the remonstrance of David Smith, are of opinion that the same be laid over until the next general assembly.

JOHN TIPTON, Ch.

The above reports being read, were each concurred with by this house.

Adjourned till to-morrow 10 o'clock, A. M.

SATURDAY, APRIL 16, 1796.

Met according to adjournment.

Mr. Fort moved for leave and presented a bill appointing commissioners to contract for the building a court house, prison, and stocks, in Montgomery county, which was read the first time, passed, and sent to the senate.

Mr. Cantrell introduced a bill to regulate the descent of real estates, which was read the first time, passed, and sent to the senate.

Mr. Black moved for leave and presented a bill to establish the town of Maryville, in the county of Blount, and for other purposes therein mentioned, which was read the first time, passed and sent to the senate.

Mr. Outlaw moved for leave and presented the following bills :

A bill directing the mode of petitioning the general assembly for the division of counties and the removal of court-houses ;

A bill to annex part of Jefferson county to the county of Hawkins, and to ascertain the lines of Jefferson county, which were received, and on motion withdrawn for amendment.

Received from the senate, a bill to repeal part of the sixth section of an act, entitled, ' An act ascertaining what property in this Territory shall be deemed taxable property, passed September 30th, 1794.'

Also—the bill regulating the several officers fees therein mentioned, each endorsed, ' read the first time and passed.'

Ordered, that Mr. Peck have leave to absent himself from the service of this house until Monday 4 o'clock, P. M.

Adjourned till 4 o'clock, P. M.

Mr. Houston moved for leave and introduced a bill ascertaining the number of Attornies-General, fixing their salaries, and directing their duty in office, which was read the first time passed and sent to the senate.

Mr. Fort moved for leave and presented a bill, making compensation to Andrew Jackson for his services as Attorney-General, for the district of Mero.

Mr. Lewis moved for leave and presented a bill to amend an act establishing a town on Cumberland river at a place called the Bluffs, near the French Lick, and for other purposes.

Ordered, that these bills be read, which being read were passed the first time, and sent to the senate.

Received from the senate, the following report of the committee of claims, endorsed, ' concurred with.'

Your committee, to whom was referred the remonstrance of Andrew Jackson, are of opinion, that a reasonable compensation from the time of the organization, of the Territorial government, until the year 1790 is reasonable, and ought to be granted.

JOHN TIPTON, Ch.

The foregoing report being read, was concurred with by this house.

Mr. Fort moved for leave and presented, ' A bill to prevent the obstruction of the navigation of Red river ;' which was read the first time, passed, and sent to the senate.

Mr. Cocke who had leave to withdraw for amendment the bill to divide Hawkins county, returned the bill, which was read the second time in this house, amended, passed, and sent to the senate.

Mr. Blair moved for leave and introduced a bill to appoint commissioners for regulating the town of Jonesborough, in the county of Washington, superintending the building or repairing the court-house, prison, and stocks, which was read the first time, passed, and sent to the senate.

The bill to repeal part of the sixth section of the tax law, passed in 1794, was read, passed the first time, and returned.

Mr. Houston moved for leave and presented a bill making provision for mistakes in surveys of land, which was received.

Mr. Outlaw moved for leave and introduced the following bills:

'A bill to empower the several county courts in this state to lay a tax for the contingent charges of said counties.'

'A bill to facilitate the navigation of the several rivers and navigable streams therein mentioned.'

'A bill making allowance to David Smith for cash expended in defence of this state.'

'A bill for paying the sheriffs and other officers in this state for services performed and monies expended by them for the use of the temporary government for the years 1791, 2, 3, 4, and 5,' these bills were severally received, and on motion withdrawn for amendment.

Mr. Rhea moved for leave and presented 'A bill giving further time to register grants, deeds, and mesne conveyances,' which was received, and on motion withdrawn for amendment.

Received from the senate 'A bill to provide for the payment of the several officers fees therein mentioned.'

'A bill for altering the places of holding the superior courts of law and equity for the district of Washington,' each endorsed, 'read the first time and passed.' Ordered that these bills be read, which being read were passed the first time in this house and returned.

Mr. Cantrell moved for leave and introduced 'a bill to repeal an act, entitled, 'an act to alter the mode of punishing horse stealing, also to repeal an act, entitled, 'an act to prevent horse stealing,' which was received, and on motion withdrawn for amendment.

Received from the Senate the following bills:

'A bill to repeal the fourth section of an act passed at Knoxville the 29th day of September 1794, entitled, 'an act establishing courts of law and for regulating the proceedings therein, and for other purposes therein mentioned.'

'A bill to repeal the forty eighth section of an act, passed at Edenton, in the year 1741, entitled, 'an act concerning servants and slaves,'—a bill to prevent the obstruction of the navigation of Red River—and a bill establishing the town of Maryville, severally endorsed, read the first time and passed.

Mr. Newell, who had leave to withdraw for amendment, the bill to ascertain a line between Knox, Jefferson, and Sevier counties, returned the bill amended, which was received, and ordered to lie on the table until Monday.

Adjourned till Monday 10 o'clock, A. M.

MONDAY, APRIL 18, 1796.

THE house met according to adjournment.

Received from the senate the following bills :

A bill making compensation to Andrew Jackson, for his services as attorney general for the district of Mero, and a bill ascertaining the number of attorneys general, &c. each endorsed, read the first time and passed.

Mr. Cantrell, who had leave to withdraw for amendment, the bill to repeal an act directing the mode of punishing horse stealing, returned the bill which was read the first time and passed.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose, that the committee appointed to contract with the printer, do engage him to print five hundred blank commissions for militia officers, and fourteen blank commissions, to be each filled up with the names of justices of the peace, in each county, respectively, which is sent to you for your concurrence.

Received from the senate, the bill to divide Hawkins county, endorsed, read the second time, amended, and passed—which being read, was passed the third time and returned.

Received also the bill to appoint commissioners for regulating the town of Jonesborough, endorsed, read the first time and passed, which was, on motion of Mr. Rhea, withdrawn for amendment.

The bill to establish the town of Maryville, was read the second time and passed.

Received from the senate the following bills :

A bill to appoint commissioners to contract for building a court house, &c. in the county of Montgomery, and a bill establishing courts of pleas and quarter sessions, in the different counties in this state, each endorsed, read the first time and passed.

Ordered, that these bills be read ; which being read, were passed the second time.

Received also, a bill to amend an act establishing a town on Cumberland river, at the place called the Bluff, endorsed, 'Read the first time and passed'—which was, on motion of Mr. Lewis, withdrawn for amendment. Also, a bill to regulate the descent of real estates, endorsed, read the first time and passed.

A bill for allowing writs of error, &c. and a bill respecting public roads and ferries, were each read the third time, amended and passed.

Received from the senate the following message :

Mr. Speaker and Gentlemen,

The senate concur with your message as it respects printing the militia commissions, and propose that the number to be printed be encreased to one thousand.

The bill to provide for the safe keeping of the records, &c. of the state was then read. Mr. Cantrel proposed an amendment to the following section :

'SEC. 10. Be it enacted, that the sum of four hundred dollars shall be allowed and paid yearly and every year, to the said secretary, in compen-

sation for his services in performing the duties enjoined on him, which sum shall be paid at the treasury in half yearly payments, &c.'

The amendment proposed was, to strike out the words, 'four hundred,' in the second line, for the purpose of inserting 'three hundred and fifty,' this was negatived; whereupon the yeas and nays were called for, and stood as follows:

For the amendment proposed, Messrs. Clack, Cantrel, Black, Gass, Montgomery and Weakley.—6.

Against the amendment, Messrs. Conway, Cocke, Crawford, Henderson, Lewis, Looney, Outlaw, Rhea, Johnston, Fort, and Newel,—11,

Received from the senate, the bill to establish the town of Maryville, in the county of Blount.

Endorsed, 'Read the second time, amended, and passed.'

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

A bill to repeal the fourth section of an act, passed at Knoxville the 29th day of September, 1794, entitled, 'an act to amend an act, establishing courts of law, and for regulating the proceedings therein,' was read the first time, passed, and sent to the senate.

Received from the senate, the bill to repeal an act, entitled, 'an act to alter the mode of punishing horse-stealing; also to repeal an act, entitled an act to prevent horse stealing.'

Endorsed, 'Read the first time and passed.'

The bill to ascertain a line between Knox, Jefferson, and Sevier counties, was read the second time, amended, passed, and sent to the senate.

Mr. Fort, who had leave to withdraw for amendment, a bill to amend an act now in force in this state, returned the bill, which was received and ordered to be read, which being read was, on motion, rejected.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, APRIL 19, 1796.

MET according to adjournment.

Mr. Rhea from the special committee, to whom was referred the 'bill to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes,' reported the amendments by them made to the bill, which were received and ordered to be read.

Mr. Cocke offered an amendment to the following section:

'Be it enacted, that all lands, held by deed, grant, entry, dower or courtesy.'

The amendment proposed was to add the following clause to the before recited section: 'Within the line of the treaty of Holston, and to which the Indian claim has been extinguished thereby.' The question was then put on this amendment, and the yeas and nays were on motion taken thereon, and stood as follows:

For the amendment, Messrs. Cocke, Cantrel, Fort, Johnston, Lewis, Menefee, Peck, Rhea, Henderson, and Weakley.—10.

Against the amendment, Messrs. Black, Blair, Clack, Conway, Crawford, Gass, Houston, Montgomery, Newell, and Outlaw.—10.

The house being divided, the speaker gave the casting vote against the amendment.

Mr. Outlaw then proposed the following clause to be added to the former clause: 'Within the limits and bounds of this state, as described by the constitution.'

The question being put on this amendment, the yeas and nays being called for, were as follows:

For the amendment.—Messrs. Blair, Black, Clack, Conway, Crawford, Gass, Houston, Montgomery, Newell, Outlaw.—10.

Against the amendment.—Messrs. Cocke, Cantrel, Fort, Henderson, Johnson, Lewis, Menefee, Peck, Rhea, Weakley.—10.

The house being again divided, the speaker gave the casting vote, and the amendment was carried.

Mr. Johnson proposed the following, as an additional section to the bill:

'And be it enacted, That if any person shall move and settle over the lines of the treaty of Holston, without the consent of the Indians, for every offence shall forfeit and pay to the use of the state; five hundred dollars, to be recovered before any jurisdiction having cognizance thereof.'

The foregoing being received, the question was put on the passage of the amended bill, which was rejected; whereupon the yeas and nays were called for by Mr. Conway, and stood as follows:

For the passage of the bill.—Messrs. Blair, Black, Clack, Crawford, Houston, Looney, Montgomery, Newell, Outlaw. 9.

Against the passing the bill.—Messrs. Cocke, Cantrel, Fort, Gass, Henderson, Johnson, Lewis, Menefee, Peck, Rhea, Weakley.—11.

Mr. Gass moved for leave to enter on the journal, the following reasons:

Although I have voted for taxing the lands lying south of the line of the treaty of Holston, yet I could not consent to the passage of the bill with Mr. Johnson's amendment, which inflicts a fine of five hundred dollars on persons who may move to and settle on the said lands, which I think they are entitled to.

JOHN GASS.

Received from the Senate, a bill ascertaining a line between Knox, Jefferson, and Sevier counties, endorsed, 'read the third time, amended, and passed.'

Ordered, that this bill be read, which being read, was passed the third time, and ordered to be engrossed.

Received also, a bill to provide for the payment of the several salaries therein mentioned, and a bill for the relief of such persons as have or may suffer by the loss of the records of the court of equity for the district of Mero, each endorsed, 'read the second time, amended and passed.'

Ordered, that these bills be read, which being read, were passed, the former the first and the latter the second time.

On motion, ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

This house propose a committee to estimate the expence of this session of assembly, and have nominated Messrs. Henderson, Johnson, Weakley, and Fort, to act with such gentlemen as you shall appoint, and that the estimate shall be made up until Saturday next inclusive, and no longer.

The bill ascertaining the number of attornies general, fixing their salaries, &c. was read the second time, passed, and sent to the senate.

Adjourned till 4 o'clock, P. M.

MET according to adjournment.

Mr. Fort moved for leave to withdraw for amendment, the bill to prevent the obstruction of the navigation of Red river.

Mr. Rhea who had leave to withdraw for amendment the bill giving further time to register grants, deeds, and mesne conveyances, returned the bill, which was read the first time, passed and sent to the senate.

The bill to repeal an act to regulate the several officers fees therein mentioned, &c. was read the second time, amended and passed.

Mr. Outlaw, who had leave to withdraw for amendment a bill directing the mode of petitioning the general assembly for the division of counties and the removal of court-houses, returned the bill, which was read the first time, passed and sent to the senate.

A bill to repeal the forty-eighth section of an act, passed at Edenton in the year 1741, entitled "An act concerning servants and slaves," was read the second time, passed and sent to the senate.

The bill to repeal an act entitled "an act to alter the mode of punishing horse stealing," &c. was read the second time and rejected.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, "A bill prescribing the mode of electing the military officers of this state," and have amended it as follows : To the 9th section they have added the following clause :— "Which election the senior officer present shall superintend ; and if two or more of the candidates are equal and highest in votes, such two or more shall decide by lot who shall be the brigadier general ; And the said senior officer shall, under his hand, certify the same to the governor, who shall commission such person accordingly.

The senate have added as the 13th and last section, the following : "Be it enacted, that when vacancies shall happen by death, resignation, or otherwise ; in the grade of major general, the governor shall issue his orders for an election, to fill up such vacancy, giving sixty days notice thereof. If in the grade of brigadier-general, the major general shall, in like manner issue his orders for an election. If in the grade of lieutenant-colonel commandant or major, the brigadier-general shall, in like manner, issue his orders for an election. If in the grades of captain, lieutenant, ensign, or cornet, the commanding officer of such regiment or corps in which said vacancy may happen, shall, in like manner, issue his orders to fill up such vacancy. And the said elections shall be held at the same places, and under the same rules and restrictions that are herein before directed."

If you should agree to these amendments, you will send two of your members to see them made.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house concur with the amendments by you proposed to the bill pre-

scribing the mode of electing military officers of this state, and name Mr. Johnson and Mr. Weakley to see them inserted.

The bill to establish the town of Maryville, was read the third time and passed.

The bill to regulate the descent of real estates, was read the second time and passed.

Mr. Outlaw, who had leave to withdraw for amendment, a bill to annex part of Jefferson county to the county of Hawkins returned the bill, which was, on motion, laid over until the next general assembly.

Adjourned till to-morrow 10 o'clock, A. M.

WEDNESDAY, APRIL 20, 1796.

Met according to adjournment.

Mr. Rhea, who had leave to withdraw for amendment, the bill to regulate the town of Jonesborough, returned the bill, which was received, read the second time, amended, passed, and sent to the senate.

Received from the senate, a bill appointing commissioners to contract for the building a court house, prison, and stocks in Montgomery county, and a bill to repeal an act regulating the several officers fees therein mentioned, endorsed, read the second time, amended and passed.

Ordered, that these bills be read, which being read were amended and passed the third time.

Mr. Newell, who had leave to withdraw for amendment, the bill appointing commissioners to fix on a place to erect a court house, prison and stocks, in Sevier county, returned the bill, which was read the second time, and on motion, rejected.

Received from the senate, a bill directing the mode of petitioning the general assembly for the division of counties and removal of court-houses, endorsed, 'Read the first time and passed.'

Also, the bill giving further time to register grants, deeds, &c. endorsed, 'read the first time and passed,' which being read for the second time in this house was returned.

The bill directing the mode of electing the governor and members of the general assembly, was read the third time, amended, passed and sent to the senate.

The bill for the appropriation of certain monies therein mentioned, was read the second time, amended and passed.

Received from the senate the following bills :

A bill ascertaining the number of attornies general, &c.

Also, a bill for the regulation of the town of Jonesborough,

Each endorsed, 'Read the second time, amended, and passed.'

The bill to amend an act establishing a town on Cumberland river, at a place called the Bluff, was read the second time, amended, and passed.

Adjourned until 3 o'clock, P. M.

Met according to adjournment.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill to divide Haw-

kins and Knox counties, and have added the following clause to the last section, to wit: "Provided, nothing herein contained, shall be construed so as to give said county of Grainger separate elections for governor and members of the general assembly; but the inhabitants of said county shall be entitled to suffrage in the county from which they were taken, until the first enumeration be made. If you agree to this amendment, you will please send two of your members to see it made.

Ordered, that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

We concur with your proposed amendment to the bill for the division of Hawkins and Knox counties, and name Mess. Henderson and Menefee to see the alterations accordingly made.

Received from the senate, the bill to regulate the descent of real estates, endorsed "read the second time and passed."

Ordered, that this bill be read, which being read, was passed the third time in this house and returned.

Mr. Houston, who had leave to withdraw for amendment, a bill making provision for mistakes in surveys of lands, returned the bill, which was read the first time, passed and sent to the senate.

Mr. Rhea moved for leave and introduced a bill for the appointment of electors to elect a president and vice-president of the United States, which was read the first time, and sent to the senate.

Received from the senate the following bill:—A bill making compensation to Andrew Jackson, for his services as attorney general for the district of Mero, which was read the second time, and on motion laid over until the next general assembly.

Adjourned until to-morrow, 9 o'clock, A. M.

THURSDAY, APRIL 21, 1796.

Met according to adjournment.

The bill ascertaining the number of attorneys general, &c. was read the third time, amended and passed.

Received from the senate,

The bill to amend an act establishing a town on Cumberland river, at a place called the Bluff, endorsed "read the second time and passed."

Ordered, that this bill be read, which being read, was passed the third time and returned.

A message from the senate:

Mr. Speaker and Gentlemen,

The senate have appointed Mr. Lewis to examine engrossed bills on the part of this house, in the room of Mr. M'Min, who has leave of absence.

The foregoing message was read and concurred with.

Mr. Fort who had leave to withdraw for amendment the bill to prevent the obstruction of the navigation of Red river, returned the bill, which, with its amendments was received; read the second time in this house, passed and sent to the senate.

The bill for the regulation of the town of Jonesborough, was read the third time, amended, passed and sent to the senate.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill ascertaining the number of attornies general, &c. and have amended the same by striking out the word "forty" and inserting in lieu thereof "thirty," in the compensation to the said attornies. If you agree to this amendment, you will please send two of your members to see it made.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house cannot concur with the amendment by you proposed, to the bill ascertaining the number of attornies general.

Received from the senate, the bill giving further time to register grants, deeds, &c. endorsed "read the second time, amended and passed," which was read the third time in this house, amended, passed and returned.

A bill directing the mode of petitioning the general assembly for the division of counties and removal of court-houses, was read the second time, amended and passed.

Received also, a bill making compensation to the members, clerks and door-keepers of the general assembly, &c. endorsed, read the second time and passed.

Which was read the second time, amended, passed and sent to the senate.

Received also, a bill to ascertain what property in this territory shall be deemed taxable, &c. passed September 30, 1794.

Endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read, was passed the second time.

A bill providing for the appointment of electors to elect a President and Vice President of the United States, was read the second time, amended, passed and sent to the senate.

The bill making provision for mistakes in surveys of lands, was read the second time, and passed.

Received from the senate, a bill for the appropriation of certain monies, &c. endorsed "Read the third time, amended and passed."

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, APRIL 22, 1796.

Met according to adjournment.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house have appointed the following persons justices of the peace for the several counties hereafter mentioned :

For the county of Blount.—Andrew Bogle, Joseph Black, William Davidson, Andrew Miller, William Lowry, George Ewing, William Wallace, Samuel Houston, James Greenaway, Mathew Wallace, William

Hamilton, John Cochran, John Tremble, Thomas Galahor, and John Wallace.

For the county of Carter.—Nathaniel Taylor, David M'Nabb, Landon Carter, Andrew Greer, Zachariah Campbell, Guthridge Garland, John Vaught, Joseph Sands, and Reuben Thornton.

For the county of Davidson.—James Robertson, James Mulherin, Thomas Molloy, John Nichols, Thomas Smith, Joseph Phillips, Samuel Barton, James Hoggatt, Robert Hays, Elijah Robertson, and John Gordan.

For the county of Grainger.—Thomas Henderson, Elijah Chisum, James Blair, John Estis, Phelps Reed, Benjamin M'Carty, James Moore, John Bowen, John Kedwell, John Simms, William Thompson, and Major Lea.

For the county of Greene.—Joseph Hardin, sen. John Wear, Elisha Baker, John Newman, sen. John Morris, Hugh Neilson, William Rankin, Joseph Lusk, Thomas Gillis, Alexander Galbreath, James Penny, Hugh Brown, James Hays, Mathew Cox, James Mahan, Thomas Praetor, David Copelane, James Anderson, Samuel Wilson, and William Wilson.

For the county of Hawkins.—George Maxwell, John Long, Nathaniel Henderson, William Armstrong, Joseph M'Min, Alexander Nelson, Thomas Jackson, John Gordon, David Larkin, James Berry, Mark Mitchell, Thomas Lea, James Lathim, William M'Carty, James Armstrong, Benoni Caldwell, Absalom Looney, John Mitchell, and David Kinkead.

For the county of Jefferson.—George Doherty, James Roddy, Josiah Jackson, Thomas Snoddy, Garret Fitzgerald, Parmenas Taylor, John Blackburn, Andrew Henderson, Abednigo Inman, John M'Nabb, Abraham M'Coy, Adam Peck, William Cox, James Wilson, William Lillard, David Stuart, Ebenezer Leath, Joseph M'Culla, Samuel Jack, Adam Meek, George Evans, James Lea, Alexander Outlaw, and John Goore.

For the county of Knox.—James White, Joseph Greer, John M'Clellan, John Adair, George M'Nutt, John Hacket, David Campbell, John Menefee, Nicholas Gibbs, John Sawyers, Samuel Doke, James Cozby, Samuel Flanagan, Jeremiah Jack, and William Doke.

For the county of Montgomery.—George Bell, Robert Duning, Amos Bird, Morgan Brown, Robert Nelson, George Nevills, William Prince, Robert Prince, Haydon Wells, Timothy Anderson, and William Mitcheson.

For the county of Robertson.—William Fort, Isaac Phillips, Charles Miles, William Miles, Benjamin Menefee, John Phillips, Martin Duncan, Bazel Bowen, Hugh Henry, Zabulon Hubbard, and James Crabtree, sen.

For the county of Sullivan.—Samuel Smith, John Anderson, Joseph Wallace, John Scott, David Perry, George Vincent, William Delany, William King, Robert Allison, John Vance, William Nash, Richard Gammon, James Gains, George Rutledge, Samuel M'Corkle, John Spurgin, Walter Johnson, Robert Easley, John Yancey and James King.

For the county of Sumner.—David Wilson, Thomas Donald, James Winchester, James Reese, Edward Douglass, William Cage, Stephen Cantrel, Isaac Walton, Thomas Martin, James Guin, Withral Lattimore, James Douglass, and David Shelby.

For the county of Sevier.—John Clack, William Henderson, jun. Robert Calvert, Joshua Gest, Abraham M'Clery, Andrew Cowen, Joseph

Vance, Robert Pollock, Adam Wilson, James Riggin, Alexander Montgomery, Jesse Griffin, James D. Puckett, and Isam Guin.

For the county of Washington.—James Stuart, John Tipton, John Wear, John Adams, John Strain, Henry Nelson, Joseph Young, Joseph Crouch, William Nelson, Robert Blair, John Norward, Jesse Payne, Isaac Depugh, Charles M'Cray, Samuel Wood, Jacob Brown, John Alexander, John Hammer, and Joseph Britton.

Received from the senate the following bills :

A bill to prevent the obstruction of the navigation of Red River.

A bill directing the mode of petitioning the general assembly for the division of counties, and the removal of court houses,

And a bill making provision for mistakes in surveys of land, each endorsed "Read the second time, amended and passed."

Ordered, that these bills be read, which being read, were passed the third time.

Received also, a bill to repeal part of the 6th section of an act, "entitled an act ascertaining what property in this Territory shall be deemed taxable, &c. endorsed, read the third time and passed.

Ordered, that this bill be read, which being read, was passed the third time and ordered to be engrossed.

Against which the following dissent was entered :

To this we enter our dissent, because we conceive the substance of it was contained in the "bill to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, paying public taxes," which was heretofore rejected by the general assembly at this session—and therefore this bill cannot be constitutionally passed.

Seth Lewis,
John Rhea,
John Gass.

Joseph Conway,
Thomas Henderson,

Received from the senate the following report, endorsed, concurred with.

Your committee appointed to contract with the printer for the public printing, report, they have agreed with him as follows :

For every sheet of the laws containing sixteen pages, eight and one-third cents.

For every sheet of the journals of the assembly containing sixteen pages, sixteen and two-third cents.

For every quire of commissions three dollars.

JAMES WHITE, Ch.

The foregoing report being read was concurred with.

Received from the senate the following message :

Mr. Speaker and Gentlemen,

The senate concur with your message respecting the making up the estimate, so far as to appoint a committee, and name Messrs. White and Lewis, for that purpose.

A message from the Governor :

Mr. Speaker and Gentlemen of the General Assembly,

Your session is now near a close, the safety and protection of the frontiers requires your serious consideration. Tranquility, amity, and mutual

friendship with the neighbouring tribes, is the principal means of securing the same.

Permit me to remind your honorable body of the deplorable condition our frontier citizens would be plunged into, should this country unhappily again be involved in a war with a savage nation. The calamities of the last, are recently in our memory, and the spoils and ravages occasioned thereby, are daily presented before us.

The rapid emigration into our state is truly flattering ; but a single hostility might be the means of occasioning the prospect wholly to vanish and cease. Many thousands have moved to our government, not many are wealthy, their resources small, and their wants great ; and were they reduced to the melancholy dilemma, of entering into forts and blockhouses, I am assured their condition would be distressing and painful in the extreme.

Let me remark to you, gentlemen, and I make no doubt you will coincide with me in opinion, that a few years peace would be the most legal and eligible mode to reduce our neighbouring tribe to reason and good order.

The present appearances of Indian affairs have a pacific colour, and should proper methods be adopted by your legislative interposition, so as to prevent violation and encroachment, I have no doubt but peace will abound throughout the government.

One thing more, I beg leave to observe, it is well known to you, that the brave officers and privates, that composed the army, who performed the last campaign, are still unpaid, from which circumstances many of our citizens are much embarrassed and disappointed on the occasion.

I have lately been advised to go forward to the war office personally, to state the expediency and authority that caused and produced the campaign. Now, if the present session of Congress should fail to make provision for the payment, I wish to know the sense of the assembly, whether I might be permitted, or not, to go forward at the time of the next session, to lay the same before Congress. It will be a journey attended with much fatigue and expence ; but nevertheless, I feel it my indispensable duty to give every aid and assistance in my power, to have the officers and privates duly compensated for their hazardous and toilsome services.

I have the honor to be, gentlemen,

With due respect,

Your obedient servant,

JOHN SEVIER.

On motion, ordered that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We herewith send you a message received this day from the governor, which has been referred on the part of this house to a special committee composed of Mr. Lewis, Mr. Rhea and Mr. Menefee.

Received from the senate, a bill providing for the appointment of electors to elect a President and Vice President of the United States, endorsed "Read the second time, amended and passed."

Ordered, that this bill be read, which being read, was amended and passed the third time.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate concur with you in referring the communication of the governor to a special committee, and have named Messrs. Tipton and Doherty for that purpose.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate concur with you in the appointment of the justices of the peace in this state, except the following :

In the county of Greene, Samuel Dunwoody is appointed in the room of Joseph Lusk, and the name of James Mahan left out of the appointment.

In the county of Sevier, James M'Mahan is appointed in the room of James D. Puckett.

A message from the Senate :

Mr. Speaker and Gentlemen,

This house do not concur with the alterations by you made in the nomination of justices, except as to the name of James Mahan.

Adjourned till 4 o'clock, P. M.

Received from the senate the following messages :

Mr. Speaker and Gentlemen,

The senate propose meeting you this afternoon in your chamber, for the purpose of electing four electors of President and Vice President of the United States, and three attorneys general.

Mr. Speaker and Gentlemen,

The Senate propose the following gentlemen as electors of President and Vice President of the United States, viz. Messrs. Claiborne, Joseph Anderson, Joseph Greer, Griffith Rutherford, Charles M'Clung, Hugh Neilson and John Anderson.

For attorney general in the district of Washington, Messrs. Hopkins Lacy, John Shields and John Sevier.

For the district of Hamilton, Messrs. Thomas Grey, John Lowrey and James Reese.

For the district of Mero, Messrs. Howel Tatom and Isham Parker.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with your messages respectively, concerning the balloting for electors to elect a President and Vice President of the United States, and for attorneys general. We have added Daniel Smith to the nomination for electors, and have appointed Mr. Fort and Mr. Menefee to superintend the balloting.

The bill to prevent the wilful and malicious killing of any black person, or person of mixed blood, he or she being a slave, was read the third time and rejected.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate propose Messrs. Lewis and Frazier to superintend the ba l-

loting for electors of President and Vice-President of the United States, and attornies general.

Received from the senate, a bill to provide for the payment of the governor's salary, &c.

Endorsed "Read the third time, amended and passed."

Ordered, that this bill be read, which being read was passed the third time and ordered to be engrossed.

Both houses of the general assembly being convened in the representatives chamber, proceeded to ballot for four electors to elect a president and vice-president of the United States, when the following gentlemen were chosen :

Daniel Smith, Joseph Greer, Hugh Neilson, and Joseph Anderson, Esquires, were duly and constitutionally elected for that purpose.

And in like manner, the following gentlemen were appointed attornies general for this state :

For Washington district—Hopkins Lacy.

For Hamilton district—John Lowrey.

For Mero district—Howell Tatom.

Adjourned till to-morrow 9 o'clock, A. M.

SATURDAY, APRIL 23, 1796.

Met according to adjournment.

Mr. Rhea from the committee reported as follows :

Your committee to whom was referred the communication from the governor, are of opinion, that an address of the following import be sent to him.

SIR,

The general assembly are, with you, fully sensible, that every attention ought to be paid to the preservation of peace between the frontiers and the neighbouring Indians, and that mutual amity and intercourse should be preserved. It is the hope of this general assembly that no hostilities will by any of the citizens of this state be committed against the Indians. And should the Indians again offer violence, and commence war against the people of this state, the general assembly declare their confidence in the general government, that the people will be protected.

This general assembly are of opinion, that altho' the payment of the officers and soldeirs alluded to, is of importance ; yet the absence of the governor from the state might be attended with consequences not pleasing, and think that it will be the duty of the senators and representatives from this state in Congress, to whom the governor will write on that subject, to procure an adjustment and payment of what money may be due on account of that expedition.

With you we join in saying, that peace is a most desirable object for the people of this state ; their safety and population on it do depend. With you it is to take care, that the citizens of this state commit no encroachments upon the Indians ; that the conditions of the treaty of Holston be preserved inviolate on the part of this state : And should the Indians be so far lost to a sense of their own good and happiness, as to commence

hostilities, we have the greatest confidence that you will do those things agreeably to the laws of the Union necessary for the general welfare.

JOHN RHEA, Ch.

The foregoing report being read was concurred with.

Mr. Outlaw from the committee of finance, reported the following statement of the public funds :

| | <i>Dols.</i> | <i>Cts.</i> |
|---|--------------|-------------|
| The amount of monies received by the treasurer of Washington and Hamilton districts, | 6380 | 63 |
| By the amount of monies paid out by the above named treasurer, | 5838 | 3 |
| Balance in the treasury, on which the treasurer's commission of five per cent is paid, | 542 | 60 |
| The amount of monies received by the treasurer of Mero district, | 4900 | 37 5-16 |
| By the amount of monies paid out by the above named treasurer, | 2166 | 3 3-4 |
| By the amount of said treasurer's commission, at five per cent on the said monies paid out, | 108 | 30 |
| For stationary allowed said treasurer, | 23 | |
| | <hr/> | <hr/> |
| | Dol. | 2297 33 3-4 |
| | | <hr/> |
| | | 2603 3 9-16 |

The above accounts settled by Howell Tatom, treasurer of Mero district up to March 18, 1796, as per vouchers filed in the secretary's office of this state.

Also, by Landon Carter, treasurer of Washington and Hamilton districts, up to April 13, 1796.

ALEX. OUTLAW, Ch.

The foregoing report being read, was concurred with.

Received from the senate, the bill making compensation to the members, clerks, and door-keepers of the general assembly, &c. endorsed, read the third time, amended and passed.

Upon the third and last reading of this bill, Mr. Cantrell moved, that the first section, wherein the compensation to the members is fixed at "One dollar and seventy-five cents," be amended by striking out the words "seventy-five," and inserting in lieu thereof "fifty;" this being objected to, the question was put thereon, and carried in the negative—Whereupon the yeas and nays were called for by Mr. Cantrell, seconded by Mr. Weakley, and stood as follows :

For striking out, Messrs. Houston, Cantrell, Crawford, Lewis, Montgomery, Rhea and Weakley.

For retaining the clause, Messrs. Clack, Conway, Cocke, Black, Blair, Gass, Henderson, Menefee, Newell, Johnson, Fort, Looney, Outlaw and Peck.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house upon reading for the third and last time, the 'bill making

compensation to the members, clerks, and door keepers of the general assembly, &c.' have struck out of the second section of the bill, and inserted the following, 'Sec. 2. And be it enacted, that the first clerks of the general assembly shall be allowed the sum of two dollars and fifty cents per day for their services. That one dollar and seventy-five cents be allowed, per day, to each assistant clerk; and that the farther allowances be made for contingent expences, namely, to Thomas H. Williams twenty-two dollars—to John Sevier, jun. twelve dollars and fifty cents—to George Roulstone, twenty-two dollars—to Nathaniel Buckingham twelve dollars and fifty cents.

This house have also added the following as an additional section: 'Be it enacted, that Hopkins Lacey, be allowed forty dollars for his services as states attorney, for the first superior court held in the state of Tennessee, on the second Tuesday in April, 1796, he being appointed by the court for that purpose, *pro tempore*.'

If you agree to these amendments, you will send two of your members to see them made.

Received from the senate the following message:

The senate concur with your amendments to the bill making compensation to the members, clerks and doorkeepers of the general assembly, and name Messrs. Lewis and Rutledge to see them made.

The bill thus amended was then read the third time, passed, and ordered to be engrossed.

A message from the Senate:

Mr. Speaker and Gentlemen,

The senate herewith send you a resolution which they have entered into, with which they request your concurrence.

Resolved, that George Roulstone, public printer, shall, within two months after the receipt of the copies of the acts and journals at his office, print five hundred copies of the acts, and one hundred copies of the journals of this general assembly, to be distributed as follows: One copy of the acts and journals to his Excellency the Governor; one copy to the secretary of State; one copy to each of the members of this state in Congress; one copy to each of the members of the general assembly; one copy to each of the clerks of both houses, one copy to each of the judges of the superior courts; one copy to the attorney general of each district; one copy to each of the clerks of the superior courts of law, and court of equity, and county courts; one copy to the major general; one copy to the brigadier general of each district.

Also, one copy of the acts to the following persons, to wit: One copy to each justice of the peace in this state; one copy to each field officer of the militia; and one copy to each commanding officer of each company.—And the overplus, if any, the said printer is directed to lodge in the office of the secretary of state, for the use of the state.

And the printer is hereby directed to transmit the acts and journals for each county for the civil department, to the clerk of each county, who is directed to receipt for the same, and deliver them agreeably to this resolve; and those for the militia, to the commanding officer of each county, who is also directed to receipt for the same, and deliver them agreeably to this resolve.

The foregoing message, with the resolutions accompanying it were read and concurred with.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

The house agree to strike out the names of those justices of the peace concerning whom a dissension has arisen, to wit: M'Mahan, Puckett, Lusk, and Dunwoody.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate propose to add the name of Benjamin M'Nutt to the nomination of magistrates in the county of Greene. They concur in leaving out of the appointment the names of Mahan, Puckett, Lusk and Dunwoody.

Sent to the senate the following messages :

Mr. Speaker and Gentlemen,

This house cannot concur with you in appointing Benjamin M'Nutt a justice of the peace.

We herewith send you a report of the special committee, appointed to report on the communication of the governor, respecting the practicability of opening a waggon road, by way of the warm springs, through the mountains. It is the sense of this house, that the governor of this state be instructed to inform the governor of South Carolina, that this government will proceed to make the necessary arrangements for the completion of this object, as soon as the public funds will admit.

A message from the senate :

Mr. Speaker and Gentlemen,

The business of the session being ended, the senate propose adjourning *sine die*.

Ordered, That the following message be sent to the senate :

Mr. Speaker and Gentlemen,

We concur with your message proposing an adjournment.

ESTIMATE of the pay of the members, clerks, and door keepers of the general assembly, begun and held at Knoxville, on the 28th day of March, 1796.

| NAMES: | No. of days. | Pay per day. | No. of miles. | Pay per 25 mls. | Amount. |
|--|--------------|--------------|---------------|-----------------|---------|
| Alexander Kelly, | 25 | \$1 75 | 25 | \$1 75 | \$45 50 |
| James Houston, | 25 | 1 75 | 45 | 1 75 | 46 96 |
| Joseph Black, | 27 | 1 75 | 30 | 1 75 | 49 39 |
| Joel Lewis, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| Robert Weakley, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| Seth Lewis, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| Samuel Frazier, | 27 | 1 75 | 160 | 1 75 | 58 45 |
| Joseph Conway, | 27 | 1 75 | 116 | 1 75 | 55 37 |
| John Gass, | 27 | 1 75 | 150 | 1 75 | 57 75 |
| Joseph M'Min, | 16 | 1 75 | 160 | 1 75 | 39 20 |
| Thomas Henderson, | 27 | 1 75 | 100 | 1 75 | 54 25 |
| John Cocke, | 27 | 1 75 | 70 | 1 75 | 52 15 |
| George Doherty, | 27 | 1 75 | 60 | 1 75 | 51 45 |
| Alexander Outlaw, | 27 | 1 75 | 100 | 1 75 | 54 25 |
| Adam Peck, | 27 | 1 75 | 56 | 1 75 | 51 17 |
| James White, | 27 | 1 75 | | 1 75 | 47 25 |
| John Menefee, | 27 | 1 75 | | 1 75 | 47 25 |
| John Crawford, | 27 | 1 75 | | 1 75 | 47 25 |
| George Rutledge, | 27 | 1 75 | 240 | 1 75 | 64 5 |
| John Rhea, | 27 | 1 75 | 240 | 1 75 | 64 5 |
| David Looney, | 27 | 1 75 | 240 | 1 75 | 64 5 |
| James Winchester, | 27 | 1 75 | 330 | 1 75 | 70 35 |
| Stephen Cantrel, | 27 | 1 75 | 370 | 1 75 | 73 15 |
| William Montgomery, | 27 | 1 75 | 360 | 1 75 | 72 45 |
| John Clack, | 27 | 1 75 | 60 | 1 75 | 51 45 |
| Spencer Clack, | 27 | 1 75 | 60 | 1 75 | 51 45 |
| Samuel Newel, | 27 | 1 75 | 24 | 1 75 | 48 93 |
| James Ford, | 27 | 1 75 | 440 | 1 75 | 78 5 |
| Thomas Johnson, | 27 | 1 75 | 400 | 1 75 | 75 25 |
| William Fort, | 27 | 1 75 | 440 | 1 75 | 78 5 |
| John Tipton, | 27 | 1 75 | 218 | 1 75 | 62 51 |
| James Stuart, | 27 | 1 75 | 200 | 1 75 | 61 25 |
| John Blair, | 27 | 1 75 | 186 | 1 75 | 60 27 |
| Francis A. Ramsey, clerk to the senate, | 7 | 2 50 | | | 17 50 |
| George Roulstone, do, | 20 | 2 50 | | | 50 |

| | | | | |
|---|----|------|--|-------|
| Nathaniel Buckingham, assistant clerk to do, | 27 | 1 75 | | 47 25 |
| Allowance to George Roul- stone for contingencies, | | | | 22 |
| Allowance to Nathaniel Buckingham for contin- gencies, | | | | 12 50 |
| Thomas H. Williams, clerk house of represen- tatives, | 27 | 2 50 | | 67 50 |
| Contingencies. | | | | 22 |
| John Sevier, jun. assistant clerk, | 27 | 1 75 | | 47 25 |
| Contingencies, | | | | 12 50 |
| Thomas Bounds, door- keeper to the senate, | 27 | 1 75 | | 47 25 |
| J. Rhea, door-keeper to the house of represen- tatives, | 27 | 1 75 | | 47 25 |

Resolved, that the thanks of this house be presented to James Stuart, esquire, for his faithful and unwearied attention in the execution of the duties of Speaker thereof.

The house then adjourned *sine die*.

JAMES STUART, S. H. R.

By order of the House,

THO. H. WILLIAMS, C. H. R.

JOURNAL

OF THE

SENATE

OF THE

STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON SATURDAY, THE
THIRTIETH DAY OF JULY, ONE THOUSAND SEVEN
HUNDRED AND NINETY SIX.

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE, PRINTER TO THE STATE, 1796.

NASHVILLE:

RE PRINTED BY McKENNIE & BROWN, TRUE WHIG OFFICE.

1852.

ORDERED TO BE RE-PRINTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE, OF 1851-'2.

JOURNAL

OF THE

SENATE.

At a meeting of the General Assembly of the State of Tennessee, begun and held at Knoxville, on Saturday, the thirtieth day of July, one thousand seven hundred and ninety-six, in pursuance of a requisition from his Excellency the Governor, in his Proclamation bearing date the fourth of July, 1796,

THE following members appeared and took their seats, viz.

Blount county, Mr. Alexander Kelly.

Davidson county, Mr. Joel Lewis.

Greene county, Mr. Samuel Frazier.

Hawkins county, Mr. Joseph M'Minn.

Jefferson county, Mr. George Doherty.

Knox county, Mr. James White.

Sullivan county, Mr. George Rutledge.

Sevier county, Mr. John Clack.

Washington county, Mr. John Tipton.

On motion of Mr. White, seconded by Mr. Tipton, Joseph M'Minn was appointed speaker *pro. tem.*

Adjourned till Monday 9 o'clock, A. M.

MONDAY, AUGUST 1, 1796.

Met according to adjournment.

James Winchester, esq. the speaker, appeared and took the chair.

Mr. James Ford, the member from Tennessee county, appeared and took his seat.

On motion by Mr. M'Minn, seconded by Mr. Rutledge, ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The Senate is convened and ready to proceed to the dispatch of public business.

Messages from the house of representatives :

Mr. Speaker and Gentlemen,

This house is also convened, and ready to proceed to business.

Mr. Speaker and Gentlemen,

This house have nominated Messrs. Fort and Gass with such gentlemen as you shall appoint to wait upon his Excellency the Governor, to inform him that the general assembly are ready to receive his communications.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The Senate concur with you in appointing a committee to wait on his Excellency the Governor, and name on their part Mr. Kelly.

On motion of Mr. White, seconded by Mr. Clack, the house proceeded to the appointment of two clerks and a door keeper.

On motion, Messrs. Lewis and Doherty were appointed to superintend the balloting for two clerks and a door keeper, who having executed the appointment, reported, that George Roulstone was appointed chief clerk, Nathaniel Buckingham assistant clerk, and Thomas Bounds door keeper.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

Herewith is sent to you the communication from his Excellency the Governor, together with other official papers sent by him.

Which being read, were referred to a special committee, composed of Messrs. Lewis, White, and M'Minn, and the following message ordered to be returned :

Mr. Speaker and Gentlemen,

The Senate having read the address of the governor, and the papers accompanying the same, have determined to commit the consideration thereof to a special committee, and have named on their part, Messrs. Lewis, White, and M'Minn, to act with such gentlemen as you may join.

Address of his Excellency the Governor to both houses of the General Assembly.

Knoxville, 30th July, 1796.

Gentlemen of the Senate and of the House of Representatives :

The short time in which I conceived it was necessary to convene the Legislature, compelled me to call you together on so short a notice. In the first instance it was necessary to give all the time the emergency of the occasion would admit of, and in the second from a circumstance that the election to be held for Representatives, was approaching so near at hand, made it necessary, as I conceived, for the assembly to have it in their power, by a timely meeting (should they in their wisdom deem it proper) to make an alteration in the act directing the mode of electing representatives to represent this state in the Congress of the United States,

before the day of election should arrive, as directed in the aforesaid act ; otherwise it might be attended with disputes and contentions of a disagreeable nature, for by a late act of Congress the intended number of our representatives is diminished, of course, it proportionably lessens our number of electors, for President and Vice President of the United States.

Thus such a derangement will necessarily require an alteration in our acts passed for such purposes.

Our Senators not being recognized in the senate of the United States, is another matter for your consideration and attention, and for your more ample information, the several acts and communications accompanying this address, will elucidate unto you the propriety of my calling the assembly together at this time.

I hope, I may be permitted to observe, that it is of importance, and conducive to public happiness, to arrange our acts conformably with those of congress so far as they shall respect this state.

The foregoing are the reasons why I have thought proper to convene the assembly in session on the present day ; and I make no doubt you will, through your paternal care, wisdom, and patriotic deliberations, adopt such measures as will tend to promote the public interest and general utility of the state.

I have the pleasure of announcing to you, gentlemen, the admission of the State of Tennessee into the Federal Union, a circumstance pregnant with every flattering prospect of peace, happiness and opulence to our infant State. The period is at length arrived when the people of the South Western Territory may enjoy all the blessings and liberties of a free and Independent republic.

Permit me to wish you public, domestic and individual happiness, while I have the honor to be,

Very respectfully,

Your devoted and obedient servant,

(Signed)

JOHN SEVIER.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

We propose that a committee of claims be appointed, and nominate on our part Messrs. Fort, Blair, and Menefee, to act with such gentlemen as you may appoint on your part.

Which being read was concurred with, and the following message ordered to be returned :

Mr. Speaker and Gentlemen,

The Senate concur with you in appointing a committee of claims, and name on our part Messrs. Doherty and Rutledge.

Received from the house of representatives, the remonstrance of Andrew Jackson, which being read was referred to the committee of claims and returned.

Received also, a bill directing the mode of electing one representative to represent this state in the congress of the United States.

Ordered, that this bill be read, which being read was passed the first time and returned.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house do propose that the general assembly do convene to-morrow at 4 o'clock in the afternoon, in the Representatives Chamber, for the purpose of electing two Senators to represent this state in the Congress of the United States, which is sent to you for your concurrence.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The Senate concur with your proposition to meet in your chamber to-morrow at 4 o'clock, P. M. for the purpose of electing two senators to represent this state in congress, and nominate Mr. James White, Mr. William Blount, Mr. William Cocke, and Mr. David Campbell. The Senate have appointed Mr. Rutledge to superintend the balloting on their part.

A message from the house of representatives:

Mr. Speaker and Gentlemen,

We concur with you in referring the papers laid before us by the Governor, to a special committee, and have named on our part, Messrs. Blair, Lewis, Montgomery, Newell, Weakley, and Conway, to act with such gentlemen by you appointed.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, AUGUST 2, 1796.

Met according to adjournment.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house concur with your message, and on part of this house, do nominate Mr. Fort to superintend the balloting with the gentlemen by you appointed.

Received from the house of representatives, a bill to empower the justices of each court of the several counties in this state, to lay and have the same collected, an additional county tax for the year 1797,—Also, a bill to establish fairs and markets in the county of Greene, each endorsed, read the first time and passed.

Ordered that these bills be read, which being read were passed the first time.

Mr. Frazier moved for leave and presented a bill to amend the law respecting the revenue and the treasury department, which being read was passed the first time.

Received from the house of representatives, a bill to amend an act, 'entitled an act ascertaining the number of judges of the superior courts of law and equity, fixing their salaries, and directing their qualifications to office, passed at Knoxville, at an assembly begun and held the twenty-eighth day of March last past, endorsed, read the first time and passed.

Ordered that this bill be read, which being read was passed the first time.

Received from the house of representatives, a bill providing for the

election of electors of a President and Vice President of the United States, endorsed, read the first time and passed.

Ordered that this bill be read, which being read was passed the first time and returned.

Mr. Rutledge from the joint balloting for two senators to represent this state in the congress of the United States, reported, that William Blount and William Cocke were duly elected senators.

Received also from the house of representatives, a bill directing the mode of electing one representative to represent this state in the Congress of the United States, endorsed, read the second time, amended and passed.

Ordered that this bill be read, which being read, was amended, and passed the second time.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

Herewith you have transmitted to you a communication from the governor, for your inspection and concurrence, to the endorsed reference.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house made the following resolution, which is sent you for your concurrence.

House of Representatives, August 2, 1796.

Resolved, that the clerk of the senate and clerk of the house of representatives, shall each transmit a copy of the entry on the journals of each house, respectively, of the election of William Blount and William Cocke, Esquires, senators, to represent this state in the Congress of the United States, which copies shall be signed by the speakers and attested by the clerks of each house, respectively, which shall be a certificate for his excellency the governor, to issue credentials thereupon, to William Blount and William Cocke, of their election.

Received a bill to amend the line between Hawkins and Grainger counties, and for other purposes, endorsed, read the first time, amended and passed.

Ordered that this bill be read, which being read the first time was rejected.

Adjourned till to-morrow, 9 o'clock, A. M.

WEDNESDAY, AUGUST 3, 1796.

MET according to adjournment.

Received from the house of representatives, a bill to amend the law respecting the revenue and the treasury department, endorsed, read the first time and passed.

Ordered, that this bill be read, which being read was amended and passed the second time.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

Herewith is sent to you the report of the committee, to whom was re-

ferred the communications from the governor, with entries thereon of what this house have resolved relative to said report, for your concurrence.

Your committee to whom was referred the two communications from the governor, do report :

1st. That the objects it embraces are now under the consideration of the general assembly in part, and acted upon in part. Respecting the letter from the secretary at war, your committee do recommend that it be resolved, that the governor issue a proclamation agreeably to the purport of said letter. On the second communication, your committee taking into view the actual situation of the finances of this state, and considering that the expenditures of the government will be augmented by the present session, are of opinion, that it would be improper to make any application for defraying the expences of the road therein mentioned at this time, but that the governor be authorised to appoint commissioners, or reviewers, to report on the road, when completed, to the next general assembly: All which is submitted.

(Signed)

JOHN RHEA, Ch.

Ordered that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to wait on William Cocke, Esq., and present the address by you prepared for that purpose, and name on their part Mr. Lewis.

A message from the house of representatives :

Mr. Speaker and Gentlemen of the Senate,

This house have nominated Messrs. Rhea, Lewis and Outlaw, to be a committee with such gentlemen as you shall appoint to prepare an address to the governor on the subject of his communications to the general assembly.

Ordered that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

This house concur with you in appointing a committee to prepare an address to be presented to his excellency the governor, in answer to his two communications, and have on their part appointed Messrs. Frazier and M'Minn.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house has resolved, that the following address be presented to Mr. William Cocke :

SIR, By a vote of the general assembly of the state of Tennessee, Mr. William Blount and yourself, formerly elected senators to represent this state in the senate of the Congress of the United States, are again elected for that purpose, the general assembly do, on behalf of the citizens of the state of Tennessee, express their entire confidence in the fidelity and integrity of their senators.

Mr. WM. COCKE.

That a committee be appointed to wait on Mr. Cocke, to present the

same, and for that purpose have named Messrs. Fort and Blair, to act with such gentlemen as you shall appoint, which is sent to you for your concurrence.

Ordered that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time the bill directing the mode of electing one representative to represent this state, in the Congress of the United States, and have amended it by striking out of the fifth section from the word representative, the words 'And if the same be not decided by the said returning officers, they shall decide it;' which when thus amended, the clause stands as follows : 'Sect. 5. Be it enacted, that if two or more candidates have the same number of votes, the said returning officers shall decide which of them shall be representative, in the same manner as grand jurors are by law drawn for.'

If you agree to this amendment you will please send two of your members to see it made.

Adjourned until 3 o'clock, P. M.

MET according to adjournment.

On motion, Mr. Kelly had leave to absent himself from the service of this house until Saturday next.

Received from the house of representatives, a bill providing for the election of electors of a President and Vice President of the United States, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read was amended, and passed the second time.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house concur with the amendment by you proposed to the bill, directing the mode of electing one representative, to represent this state in the Congress of the United States, and do nominate Messrs. Outlaw and Newell to see it made.

Which being read, the bill directing the mode of electing one representative to represent this state in the Congress of the United States was read, amended, passed the third time, and ordered to be engrossed.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house have concurred with the report of the committee on the remonstrance of Andrew Jackson, Esq. and send it to you for your concurrence.

Which report is as follows :

Your committee to whom was referred the remonstrance of Andrew Jackson, are of opinion, that if the money appropriated by law, in Mero District, to the payment of the attorney, has been appropriated to the use of the Territory ; that his remonstrance is in part reasonable and ought to be granted : All which is submitted.

(Signed)

WM. FORT, Ch.

Which being read, was ordered to lie on the table till to-morrow.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house have appointed Messrs. Rhea and Weakley a committee, on the part of this house, to act in conjunction with such gentlemen as you may appoint, to examine all the bills that may be passed this session of the general assembly.

Which being read, the following message was returned :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to examine the bills which may be passed this session, and appoint on their part Mr. M'Minn.

Mr. M'Minn moved for leave and presented a bill, appointing commissioners, in addition to those already appointed, in the county of Grainger, &c.

Ordered that this bill be read, which being read, was passed the first time.

Mr. M'Minn from the committee appointed to examine engrossed bills, reported, that they had examined the act directing the mode of electing one representative to represent this state in the Congress of the United States, and found it to be duly engrossed ; on which the speaker affixed his signature thereto in presence of the house.

Adjourned till to-morrow 9 o'clock A. M.

THURSDAY, AUGUST 4, 1796.

Met according to adjournment.

Received from the house of representatives, a bill to empower the justices of each court of the several counties in this state, to lay and have the same collected, an additional county tax for the year 1797, endorsed, read the second time, amended and passed.

Ordered that this bill be read, which being read, was amended and passed the second time.

Received also, a bill to authorise the treasurer to pay Charles Robertson for cutting and clearing a road from the Warm Springs to Sherrel's cove ; endorsed, read the first time and passed.

Ordered that this bill be read, which being read was rejected.

Also, a bill to establish fairs and markets in the county of Greene, endorsed, read the second time and passed.

Ordered that this bill be read, which being read was rejected.

Likewise, a bill making compensation to the members, clerks, and door-keepers of the general assembly, and for other purposes.

Ordered that this bill be read, which being read was passed the first time.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house have appointed the following persons justices of the peace, for the several counties hereafter mentioned, and have sent it to you for your concurrence.

For the county of Blount—

For the county of Carter—

*For the county of Davidson—*Thomas Hutchings, John Willaimson, John Hirkpatrick, Robert Edmondson, Thomas Talbot, William Donelson, David Beaty, George M'Whirter, Adam Lyn, and Ephraim M'Lain.

For the county of Grainger.—

*For the county of Greene.—*Joseph Lusk, Adonijah Morgan, Daniel Carter, Thomas Love, David Russell, John Harmon, John Collier, and Benjamin M'Nutt.

For the county of Hawkins.—

*For the county of Jefferson.—*Peter Fine, and William Job.

*For the county of Knox.—*Benjamin Gist, William Read, and Paul Harrelson.

For the county of Montgomery.—

For the county of Robertson.—

*For the county of Sullivan.—*Nicholas Mercer, and John Williams.

*For the county of Sumner.—*Daniel Smith.

For the county of Sevier.—

*For the county of Washington.—*John M'Collester, and Benjamin Holland.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate concur with your appointment of justices of the peace, except as to Adonijah Morgan, David Russell, and John Harmon, of Greene county, and Paul Harrelson, of Knox county.

The senate nominate the following persons as justices of the peace :

*For the county of Carter—*John Hardin.

*For the county of Greene—*Robert Wyley.

For the county of Knox—

The senate nominate Peter Counts as surveyor for the county of Greene.

The Senate also nominate the following persons as justices of the peace :

*For the county of Hawkins—*John Young, Isham Reynolds, George Roberts, junr. Robert Campbell, Peter Miller, Joseph Webster, William M'Gehee, and Moses Ball.

On motion of Mr. M'Minn, seconded by Mr. Frazier, the following resolution was entered into : Whereas it would contribute highly to the advantage of this government, as well as to the convenience of travellers who may have occasion to pass from any of the southern states to this state, by way of the Warm Springs on French Broad, to have opened a road sufficient for carriages to pass with as much safety and convenience as possible ; And whereas it appears that Charles Robertson hath proceeded to the opening and clearing a road to the aforesaid Warm Springs, and reports it to be in part completed ; Nevertheless, it appearing from good authority, that a nearer and better way can be obtained, to the end therefore, that the experiment be made,

Resolved, that John Wilson, George Maxwell, and George Gillespie, be appointed reviewers, and they, or a majority of them, are hereby authorised and directed to review both ways, and to report to the next general

assembly, upon oath, which will admit of the nearest and best way, with the probable expence attending the opening the waggon road, together with the value of the labour done by Mr. Charles Robertson, on the way that he is now opening; for which services, each of the said reviewers shall be allowed the sum of one dollar and seventy-five cents for every day they shall necessarily be employed in the discharge of the duties required by this resolution.

Resolved, that the said reviewers shall meet at the house of Charles Robertson, on Nolichucky river, on the fifteenth day of September next, or as soon thereafter as possible, and proceed to duties of their appointment.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

We herewith send you a resolution which we have entered into this day, respecting the opening a road from the Warm Springs, on French Broad, with which your concurrence is requested.

Received from the house of representatives, a bill appointing commissioners in addition to those appointed in the county of Grainger, &c. endorsed, read the first time and passed.

Ordered that this bill be read, which being read was passed the second time.

Mr. M'Minn moved for leave to withdraw for amendment, the bill directing the mode of electing the several officers, whose appointments are vested in the county courts, &c. which was granted.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Mr. M'Minn, who had leave to withdraw for amendment, the bill directing the mode of electing the several officers whose appointments are vested in the county courts, &c. returned the same with the amendments, which being read was passed the second time.

Received from the hon. William Cocke, esq. the following address :

The hon. General Assembly of the state of Tennessee :

Gentlemen,

Nothing can be a higher reward for faithful services, than the approbation of a free people—I call my country free, because by their constitution they are so.

I cannot help mentioning to you, I feel the deepest concern to see our dearest rights invaded by the supreme legislature of the nation. We are by them made subject to the payment of taxes, while we have been unjustly deprived of representation.

We have been deprived of the use of our property for public convenience, without any compensation being made, and acts in the stile of laws have been passed declaring it highly penal to enjoy the free use thereof: Such rude attacks on our constitutional rights should be remonstrated against with freedom and firmness.

As you are pleased to express your confidence in your senators, permit me to assure you, that I have felt the greatest pleasure, in being a witness

of the unwearied diligence and patriotic exertions of my colleague, and greatly anticipate the pleasure of serving with a man so devoted to the public good.

I hope our opponents in the senate of the united states, will be unable to find another quibble, whereby to deprive us of an equal share of the representation that shall make the laws by which we are to be governed.

I am, with great respect,

Your obedient servant,

WILLIAM COCKE.

Knoxville, August 3, 1796.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, AUGUST 5, 1796.

Met according to adjournment.

Received from the house of representatives, a bill for laying an additional county tax, endorsed, read the third time and passed.

Ordered, that this bill be read, which being read, on motion of Mr. M'Minn, the following message was ordered to be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill for laying an additional county tax, and propose amending it, by adding to the last section after the words 'Davidson, Montgomery, Robertson, and Washington,' the words 'and Hawkins,' and to strike out the word 'and' from before the word 'Washington.' If you should agree to this amendment, you will please send two of your members to see it made.

Received from the house of representatives :

A bill making compensation to the members, clerks, and door-keepers of the general assembly, and for other purposes, endorsed, read the second time and passed.

Ordered, that this bill be read, which being read was, on motion of Mr. M'Minn, withdrawn for amendment.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house concur with your message with respect to the addition of Hawkins, and striking out the word 'and' from before 'Washington ;' and have sent Messrs. Rhea and Gass to see the amendments made.

Which being read, the bill for laying an additional county tax was taken up, passed the third time and ordered to be engrossed.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate have received from you the bill to amend the law respecting the revenue and treasury department ; it appears by a number of loose and detached papers enclosed in it, that they were intended as amendments ; but the endorsement on the bill says, *August 4th, 1796, read the third and last time and passed, L. Grimes, C. H. R.* The senate wish

you to explain whether this bill was amended or not, and if so, in what manner, as there appears no order in the amendment, by which they can arrange them.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

The house of representatives propose to appoint a committee to draw an estimate of the expenditures of the present general assembly, and report the same, and nominate on the part of this house Messrs. Weakley, Henderson, Lewis, and Fort, to act with such gentlemen as you may think proper to add.

Which being read, the following message was ordered to be returned :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to draw up an estimate of the expenditures of the present general assembly, and name on their part Mr. M'Minn and Mr. Lewis. The senate propose that the same committee be instructed to contract with the printer for the printing of the acts and journals of this session.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Mr. M'Minn from the committee appointed to examine engrossed bills, reported, that the act for laying and collecting an additional county tax, was duly engrossed, whereupon the speaker affixed his signature thereto in the presence of the house.

Received from the house of representatives :

A bill directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter sessions ; endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read, was passed the third time.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house concur with you, that the committee appointed to estimate the expenditures, shall also contract with the printer, as you observe.

Adjourned till to-morrow, 9 o'clock, A. M.

SATURDAY, AUGUST 6, 1796.

Met according to adjournment.

Received from the house of representatives, a bill providing for the election of electors to elect a president and vice president of the United States, endorsed, read the third time, amended and passed.

Ordered, that this bill be read, which being read, on motion of Mr. M'Minn, the following message was sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate having read for the third and last time, the bill providing for the election of electors of a President and Vice President of the United

States, have amended it as follows: In the 8th section after the words 'to and from,' they have added the words, 'the said place of election,' and to the bottom of said section, have added the following proviso: 'Provided nevertheless, that nothing herein contained shall be so construed as to make any compensation to the electors herein named, for electing the electors of a President and Vice President of the United States.

The senate have added the following as the 10th and last section of said bill; 'Section 10th, Be it enacted, that an act, entitled, an act providing for the appointment of electors to elect a president and vice-president of the United States, passed at an assembly begun and held at Knoxville, 28th of March last past,' be, and the same is hereby repealed and made void. If you should agree to these amendments you will please send two of your members to see them made.

Messages from the house of representatives :

Mr. Speaker and Gentlemen,

This house hath herewith sent you the journal of the house, in order to shew you their proceedings on the act by you referred to.

Mr. Speaker and Gentlemen,

The house of representatives propose that a committee be appointed for the purpose of drawing up a remonstrance, to be presented to the Congress of the united states, and nominate on the part of this house, Messrs. Rhea, Outlaw, Newell, and Lewis, to act with such gentlemen as you may think proper to add:

Which being read, the following message was ordered to be returned :

Mr. Speaker and Gentlemen,

The senate cannot concur with your proposition to appoint a committee to draw up a remonstrance to Congress until they are informed of the purport thereof.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house do concur with your nomination of justices, for Greene county, as to Robert Wyley, in place of Adonijah Morgan, but do insist for your concurrence to our nomination of David Russel as a justice of Greene county, also, of John Harman. This house do not concur in the nomination of a surveyor for said county. Herewith is sent you a petition from Greene county respecting David Russell, for your consideration.— This house concur with your nomination of justices for Hawkins county, and also nominate John Hogan for Sumner county.

Which being read, the following message was returned :

Mr. Speaker and Gentlemen,

The senate concur with your nomination of David Russell, as a justice of the peace for Greene county.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house concur with your message respecting the amendments by you proposed, to the bill providing for the electors to elect a president and

vice president of the United States, and appoint Messrs. Blair and Newell to see them made.

Which being read, the bill providing for the election of electors to elect a president of the United States, was taken up, amended, passed the third time and ordered to be engrossed.

Received from the house of representatives, a bill making compensation to the members, clerks, and door keepers of the general assembly, and for other purposes, endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read, was amended and passed the second time.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

A message from the house of representatives:

Mr. Speaker and Gentlemen,

This house do not concur with your message respecting the road leading from the Warm Springs; they considering the resolve passed at the last session, is still in force, and sufficiently declaring the opinion of the legislature on that subject.

Mr. M'Minn, from the committee appointed to examine engrossed bills, reported, that the act directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter sessions, was duly engrossed, whereupon, the speaker affixed his signature thereto in presence of the house.

Messages from the house of representatives :

Mr. Speaker and Gentlemen,

The purport of the remonstrance to be drawn up by the committee, and to be presented to Congress, if approved of by the legislature, is respecting the land below the Holston, and to which the Indian claim is not extinguished, and other grievances.

Mr. Speaker and Gentlemen,

Herewith is sent to you the report of the committee to whom was referred the communications from the governor; this house have concurred therewith, and have also nominated Messrs. Looney, Clack, and Peck, to be a committee with such gentlemen as you shall appoint, to wait on the governor, and present the same to him, which is sent to you for your concurrence.

Your committee to whom was referred the communications from his excellency the governor, report, that the following address be presented to him :

To his Excellency John Sevier, esquire, governor of the state of Tennessee :

SIR,

We are fully sensible, that the important objects by you laid before this general assembly, made it necessary for you to convene the legislature at this time.

We rejoice with you in the event of this state being firmly admitted into the federal union; and our minds are filled with the most pleasing sensa-

tions, when we reflect on the prosperity and political happiness to which we view as a certain prelude. Be assured, sir, it will be our first and greatest care to adopt such measures as will promote the true interests of this state, as connected with the American union.

With respect to our representation, in the senate of the United States, in particular, we flatter ourselves, such steps have been taken, that no reason now remains sufficient to justify that body in refusing any longer to recognize our senators.

We view it as essentially necessary to the preservation of peace and harmony with the Indian tribes, that the constitutional treaties and laws should be duly observed; and we have the fullest confidence that the executive of this state will take proper measures to enforce their due execution.

JOSEPH M'MINN, Ch.

Which being read was concurred with.

Received from the house of representatives, a bill amending the law respecting the revenue and the treasury departments, endorsed, read the third and last time and passed.

Mr. Doherty moved for leave to withdraw for amendment, the bill to amend the law respecting the revenue and the treasury departments, which was granted.

Ordered, that the following message be sent to the house of representatives:

Mr. Speaker and Gentlemen,

The senate propose to meet you at half past 7 o'clock this evening, in your chamber, to take into consideration the bill respecting the revenue and treasury departments.

To this message the following answer was received:

Mr. Speaker and Gentlemen,

This house cannot concur with you respecting a conference.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, AUGUST 8, 1796.

Met according to adjournment.

On motion, ordered that the following message be sent to the house of representatives:

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to draw up a remonstrance to Congress, and name on their part Messrs. White and Doherty.

Received from the house of representatives, a bill making compensation to the members, clerks & door keepers, of the general assembly, and for other purposes, endorsed, read the third time, amended, and passed.—*Ordered* that this bill be read, which being read, on motion of Mr. M'Minn,

Ordered, that the following message be sent to the house of representatives:

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill making com-

pensation to the members, clerks, and door keepers of the general assembly, &c. and have amended it, by filling up the blank to George Roulstone, eight dollars for stationary, and to Nathaniel Buckingham, eight dollars, for engrossing. Also to Thomas Bounds, door keeper, one dollar and seventy five cents per day. The senate have further amended said bill by striking out the last section thereof. Should you agree to these amendments, you will please send two of your members to see them made.

To the foregoing message the following answer was returned :

Mr. Speaker and Gentlemen,

This house concur with your message respecting the clerks and door keepers, and amendments to the bill, containing the same, and nominate Messrs. Cocke and Rhea to see the amendments made.

Which being read, the bill making compensation to the members, clerks and door-keepers of the general assembly, and for other purposes, was read the third time, passed and ordered to be engrossed.

Mr. Doherty, who had leave to withdraw for amendment, the bill to amend the law respecting the revenue and the treasury departments, returned the same, which being read the third time, was on motion rejected.

Mr. M'Min from the committee to whom was referred the examination of engrossed bills, reported that the act providing for the election of electors to elect a president and vice president of the United States ; and the act making compensation to the members, clerks, &c. of the general assembly, and for other purposes, were truly engrossed from the original ; to which the speaker of the senate affixed his signature.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house propose that the committee to whom it was referred to draught and report the expences of the present session of assembly, make up the estimate to the end of this day and no longer.

To which the following answer was returned :

Mr. Speaker and Gentlemen,

The senate agree that the committee make up the estimate of the expences of this assembly to this day inclusive, as by you proposed.

Received from the house of representatives the following message :

Mr. Speaker and Gentlemen,

This house propose the following resolves, which is sent to you for your concurrence.

Resolved, that a copy of the journals of each house respecting the appointment of justices of the peace, to be made out by the clerks respectively, be signed by the speakers, and sent to the governor to issue the commissions.

Also, the following resolution :

Resolved, that George Roulstone print five hundred copies of the journals of this present session of the general assembly, to be distributed as directed by a resolve of the last session of the general assembly.

Ordered, that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate concur with the resolution entered into by you, respecting the commissions of the magistrates, but disagree to the one respecting the printing five hundred journals, and offer in lieu thereof the following :

Resolved, that George Roulstone do print five hundred copies of the laws and one hundred copies of the journals of each house, of this assembly, and distribute them as directed by a resolve of the last assembly.

To the foregoing the following answer was received :

Mr. Speaker and Gentlemen,

This house concur with your message respecting the printing the acts and journals of this session of the general assembly.

On motion of Mr. Lewis, seconded by Mr. Rutledge, the following message was sent to the house of representatives :

Mr. Speaker and Gentlemen,

The Senate propose that a joint committee wait on his excellency the governor, and inform him, that the general assembly propose adjourning this evening, *sine die*, having finished the public business for which they were convened, and name on their part Mr. Lewis.

Messages from the house of representatives :

Mr. Speaker and Gentlemen,

This house propose to add Alexander Greer and Samuel Williams to the nomination of justices of the peace for the county of Carter.

Mr. Speaker and Gentlemen,

This house concur with you in appointing a committee to wait on the governor, and nominate on their part Messrs. Gass and Cocke for that purpose.

Mr. M'Min from the committee appointed to contract with the printer made the following report :

Your committee appointed to contract with the printer, report, that they have agreed with him to do the printing of this session on the same terms as agreed upon for the printing of the last session.

On motion, ordered, that the following messages be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The senate concur with you in the nomination of Alexander Greer and Samuel Williams, as justices of the peace for Carter county.

Mr. Speaker and Gentlemen,

The senate send you the report of the committee appointed to contract with the printer for your concurrence.

A message from the house of Representatives :

Mr. Speaker and Gentlemen,

The house concur with your message respecting the remonstrance to Congress.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house propose to rescind the resolution entered into relative to adjourning *sine die*, and propose to meet to-morrow morning at six o'clock.

To this message the following answer was returned :

Mr. Speaker and Gentlemen,

The senate agree to adjourn till to-morrow six o'clock, A. M.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house have proceeded to amend the remonstrance to be laid before Congress, and herewith send the amendment to you for your concurrence.

Adjourned till to-morrow 6 o'clock, A. M.

TUESDAY, AUGUST 9, 1796.

Met according to adjournment.

Mr. White from the committee appointed to draw up a remonstrance to be presented to Congress, reported the following :

To the Hon. the Congress of the United States of America.

The address and remonstrance of the general assembly of the state of Tennessee, on behalf of the citizens thereof,

Setteth forth :

1st. It appears by an act of Congress, ratified in June, one thousand seven hundred and ninety-six, that the State of Tennessee, is admitted into the Federal Union, on an equal footing with any of the original states in all respects whatever.

2d. At the beginning of the late American revolution, the United States guaranteed to each state its sovereignty, according to the chartered limits thereof:—And by the treaty of Paris, done in the year one thousand seven hundred and eighty-three, the king of Great Britain acknowledged the United States to be free sovereign and independent, and for himself, his heirs and successors, relinquished all claims to the government, propriety and territorial rights of the same and every part thereof.—It is believed that this relinquishment operated to each state respectively, according to the chartered limits thereof, as to right of soil and sovereignty; and in the said treaty no provision for a reservation of any Indian claim is made.

3d. In one thousand seven hundred and seventy-six, North Carolina made a bill of rights, in the last section of which is contained a declaration of the sovereignty, right and property of territory, as limited and described in the charter of king Charles, with a *proviso*, for any nation or nations of Indians, at the discretion of the legislature.

4th. Acting on the principles contained in the first and third section of this address (confirmed by those in the second section thereof) North Carolina, in the year one thousand seven hundred and seventy-seven, opened a land office for the sale of lands, within the limits thereof, as appears from the preamble of the said act, to operate as extensively as the said limits, as is also set forth in the third section thereof, entries for lands being to be made with the entry taker of any county within the state for claims for any lands lying in such county, except as therein excepted.—In the year one thousand seven hundred and seventy-seven, by an act of

the legislature, the county of Washington was erected, and the limits thereof described, containing all the lands within the chartered limits of the state, lying between the Appalachian mountains and the river Mississippi (which is now in the state of Tennessee). Under this act, the land office for sale of land, first begun its operations in the said described county.

5th. In the year one thousand seven hundred and seventy-eight, an act was passed by the legislature of the state of North Carolina, in the fifth section whereof, a line is mentioned and described. It is believed that by this act and line, as described in the said section, no relinquishment of right of territory is made; but that the said line was declared for certain political reasons of the said state.

6th. In the year one thousand seven hundred and eighty three, passed another act for the sale of lands. This act revives and continues the first act, except what is thereby repealed, and in its object embraces the limits described in the act erecting Washington county before alluded to.

7th. In consequence of this and other laws respecting sales of land, by entries made in land offices, and warrants issued thereon, grants have been issued in part, and (warrants yet to lay) for lands lying within the original limits of the county of Washington.

8th. In the year one thousand seven hundred and eighty-nine, North Carolina made a cession of western lands to Congress, for the use of the United States, under certain express conditions and subject thereto, as contained in the act of cession for that purpose; and the contract was solemnly executed by deed on the part of North Carolina, and accepted on the part of Congress on behalf of the United States: Part of the conditions of said contract are reported by a committee at the last session of Congress: And the said act provides, that the governor for the time being shall, and is required to perfect such titles in such manner as if the act had never been passed.

9th. The constitution of the United States confirms all engagements and contracts entered into by the United States, before the adoption thereof; under existing laws, the enterers and grantees of lands lying within the said original limits of Washington county, expected they were secure, as to the right in fee, and right of possessing the lands by them purchased and honestly paid for.

10th. In the year one thousand seven hundred and eighty-five, the treaty of Hopewell was made with the Cherokee Indians by the United States; but the agent of North Carolina protested against the same. In the year one thousand seven hundred and ninety-one, the treaty of Holston was made between the United States and the Cherokee Indians, describing a line as therein mentioned: And by an act of Congress, passed at the last session, fines, forfeitures and imprisonment are enacted against claimants and grantees of lands lying beyond said line, for doing things in said act mentioned.

11th. This general assembly believe that the enterers and grantees of lands lying over the said line, are much injured by the operation of the said last mentioned treaty, and are in possibility liable to be much more oppressed by the operation of the said last mentioned act of Congress, being thereby altogether prohibited from doing any act of ownership, on

lands by them, long time past, *bona fide* contracted and paid for, and for which, in part, grants have issued under the faith of North Carolina and the United States.

12th. It is believed that the Indians have no fee simple in the lands alluded to, otherwise the very deed made by North Carolina to the United States would be void.—If the Indians have any kind of claim to the lands in question, it is believed to be of the lowest kind of tenancy, namely that of tenants at will.

13th. This legislature ever willing to support the constitution and laws of the United States, made pursuant thereto, being impressed with a sense of the injury and grievances sustained by the citizens in consequence of the line of the said treaty of Holston, and the act before mentioned, do earnestly request, that the prohibitions preventing them to possess the lands before alluded to may be removed—That provision by law be made for extinguishing the Indian claim to said lands—That the owners and grantees of said lands, may enter upon, occupy and possess the same in a full and ample manner, and have every right, privilege, and advantage, which they are entitled to by constitutional laws; which justice being done to the citizens of this state, the officers of government will be enabled to execute the constitutional laws of the United States with ease and convenience.

On motion, ordered that the following message be sent to the house of representatives :

Mr. Speaker and Gentlemen,

The business of the general assembly being ended, this house propose adjourning *sine die*.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

This house propose the following resolution, which is sent to you for your concurrence :

Resolved, that it shall be a duty of the senators and representative of this state in the Congress of the United States, to lay a remonstrance of this legislature before Congress, and endeavor that the object thereof be obtained.

To which the following message was returned :

Mr. Speaker and Gentlemen,

The senate concur with you in the resolution by you entered into, respecting the remonstrance to be presented to Congress.

A message from the house of representatives :

Mr. Speaker and Gentlemen,

The house concur with your message proposing an adjournment *sine die*.

On motion of Mr. Lewis, seconded by Mr. Tipton, Resolved unanimously that the thanks of this house be presented to the Hon. James Winchester, for his assiduity and attention to public business as speaker thereof.

On motion the house adjourned *sine die*.

JAMES WINCHESTER,
Speaker of the Senate.

By order,

GEORGE ROULSTONE,
Clerk of the Senate.

ESTIMATE of the pay of the members, clerks, and door keepers of the general assembly, begun and held at Knoxville, on the 30th day of July, 1796.

| NAMES: | No. of days. | Pay per day. | No. of miles. | Pay per 25 mls. | Amount. |
|---|--------------|--------------|---------------|-----------------|---------|
| Alexander Kelly, | 7 | \$1 75 | 25 | \$1 75 | \$14 |
| Joseph Black, | 10 | 1 75 | 30 | 1 75 | 19 60 |
| Littlepage Sims, | 8 | 1 75 | 36 | 1 75 | 16 52 |
| Joel Lewis, | 10 | 1 75 | 400 | 1 75 | 45 50 |
| Robert Weakley, | 10 | 1 75 | 400 | 1 75 | 45 50 |
| Seth Lewis, | 10 | 1 75 | 400 | 1 75 | 45 50 |
| Samuel Frazier, | 10 | 1 75 | 160 | 1 75 | 28 70 |
| Joseph Conway, | 10 | 1 75 | 116 | 1 75 | 25 62 |
| John Gass, | 10 | 1 75 | 150 | 1 75 | 28 |
| Joseph M'Min, | 10 | 1 75 | 160 | 1 75 | 28 70 |
| Thomas Henderson, | 10 | 1 75 | 100 | 1 75 | 25 50 |
| John Cocke, | 6 | 1 75 | 70 | 1 75 | 15 40 |
| George Doherty, | 10 | 1 75 | 60 | 1 75 | 21 70 |
| Alexander Outlaw, | 10 | 1 75 | 100 | 1 75 | 24 50 |
| Adam Peck, | 10 | 1 75 | 56 | 1 75 | 21 42 |
| James White, | 10 | 1 75 | | 1 75 | 17 50 |
| John Menefee, | 10 | 1 75 | | 1 75 | 17 50 |
| John Crawford, | 10 | 1 75 | | 1 75 | 17 50 |
| George Rutledge, | 10 | 1 75 | 240 | 1 75 | 34 30 |
| John Rhea, | 10 | 1 75 | 240 | 1 75 | 34 30 |
| David Looney, | 10 | 1 75 | 240 | 1 75 | 34 30 |
| James Winchester, | 10 | 1 75 | 330 | 1 75 | 40 60 |
| Stephen Cantrel, | 10 | 1 75 | 370 | 1 75 | 43 40 |
| William Montgomery, | 10 | 1 75 | 360 | 1 75 | 42 70 |
| John Clack, | 10 | 1 75 | 60 | 1 75 | 21 70 |
| Spencer Clack, | 10 | 1 75 | 60 | 1 75 | 21 70 |
| Samuel Newel, | 10 | 1 75 | 24 | 1 75 | 19 18 |
| James Ford, | 10 | 1 75 | 440 | 1 75 | 48 30 |
| William Fort, | 10 | 1 75 | 440 | 1 75 | 48 30 |
| John Tipton, | 10 | 1 75 | 218 | 1 75 | 32 76 |
| James Stuart, | 7 | 1 75 | 200 | 1 75 | 26 25 |
| John Blair, . | 10 | 1 75 | 186 | 1 75 | 30 52 |
| George Roulstqne, C. S. | 10 | 2 50 | | | 25 |
| Nathaniel Buckingham, assistant clerk to do, | 10 | 1 75 | | | 17 50 |

| | | | | |
|--|----|---|----|-------|
| Allowance to George Roulstone for stationary, | | | | 8 |
| Allowance to Nathaniel Buckingham for engrossing, | | | | 8 |
| Ludwell Grymes, clerk house of representatives, | 10 | 2 | 50 | 25 |
| John Hillsman, assistant clerk to do. | 8 | 1 | 75 | 14 |
| Ludwell Grymes, for stationary, | | | | 4 |
| John Hillsman, for do. | | | | 4 |
| Thomas Bounds, door-keeper to the senate, | 10 | 1 | 75 | 17 50 |
| John Rhea, door-keeper the house of representatives, | 10 | 1 | 75 | 17 50 |
| John Rhea for contingencies, | | | | 4 |

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TENNESSEE,

BEGUN AND HELD 'AT KNOXVILLE, ON SATURDAY, THE
THIRTIETH DAY OF JULY, ONE THOUSAND SEVEN
HUNDRED AND NINETY SIX.

KNOXVILLE:

PRINTED BY GEORGE ROULSTONE, PRINTER TO THE STATE, 1796.

NASHVILLE:

RE PRINTED BY McKENNIE & BROWN, TRUE WHIG OFFICE.

1852.

29.

ORDERED TO BE RE-PRINTED BY THE GENERAL ASSEMBLY
OF THE STATE OF TENNESSEE, OF 1851-'2.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

At a meeting of the General Assembly of the State of Tennessee, begun and held at Knoxville, on Saturday, the thirtieth day of July, one thousand seven hundred and ninety-six, agreeably to the following Proclamation of his Excellency the Governor,

WHEREAS I have lately received authentic information, that an act of the Congress of the United States, passed at their last session, involved several acts of this state in difficulty, and renders the same incomplete; to answer the purposes and salutary uses and effects intended to be obtained therefrom, by the honorable the legislature of this state:

I H A V E thought it necessary and highly expedient, to summon the members of the General Assembly, to convene on the last Saturday in the present month: And do strictly request and enjoin them, and each of them, to be punctual and particular in giving their attendance accordingly, in order to take under their due deliberation such matters as may be laid before them.

GIVEN under my hand and seal, at Knoxville this fourth day of July one thousand seven hundred and ninety six, and in the twenty-first year of American Independence.

Signed)

JOHN SEVIER.

By the Governor,
WILLIAM MACLIN, Sec'y.

The following members appeared and took their seats, viz.

Joseph Black, from the county of Blount.

Robert Weakly, from the county of Davidson.

Joseph Conway and John Gass, from the county of Greene.

Thomas Henderson, from the county of Hawkins.

Alexander Outlaw & Adam Peck, from the county of Jefferson.

John Menefee and John Crawford, from the county of Knox.

Spencer Clack and Samuel Newel, from the county of Sevier.

Stephen Cantrel and William Montgomery, from the county of Sumner.

John Rhea and David Looney, from the county of Sullivan.

The house then proceeded to choose a speaker *pro. tem.* when Alexander Outlaw was chosen and conducted to the chair.

It was then moved that the house appoint a clerk, when Ludwell Grymes was chosen and qualified accordingly.

John Rhea was chosen door keeper.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

A sufficient number of the House of Representatives have convened, and are ready to proceed to business.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, AUGUST 1, 1796.

Met according to adjournment.

The following members appeared and took their seats,

William Fort, from the county of Tennessee.

Seth Lewis, from the county of Davidson.

John Blair, from the county of Washington.

John Cocke, from the county of Hawkins.

James Houston, of Blount county, having resigned his seat in the General Assembly, and it appearing from the credentials produced by Littlepage Syms, that he has been duly elected to represent the said county in lieu of the said Houston : On motion took the oaths necessary for the qualification of a member of the General Assembly, and took his seat.

A message received from the Senate :

Mr. Speaker and Gentlemen,

The Senate is convened and ready to proceed to the dispatch of public business.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house is also convened, and ready to proceed to business.

On motion of Mr. Fort, seconded by Mr. Lewis, ordered, that Mr. Cocke and Mr. Weakly be appointed to prepare rules for this house, during the present session.

On motion of Mr Rhea, seconded by Mr. Newell, ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house have nominated Messrs. Fort and Gass with such gentlemen as you shall appoint to wait upon his Excellency the Governor, to in-

form him that the general assembly are ready to receive his communications.

On motion of Mr. Fort, seconded by Mr. Syms, Resolved, that this house choose an Assistant Clerk.

On motion of Mr. Newell, seconded by Mr. Blair,

Messrs. Crawford and Newell were appointed to superintend the balloting for Assistant Clerk, who reported, John Hillsman duly elected.

Received from the Senate the following message :

Mr. Speaker and Gentlemen,

The Senate concur with you in appointing a committee to wait on his Excellency the Governor and name on their part Mr. Kelly.

Mr. Fort moved for leave to wait on his Excellency the Governor to inform him that the general assembly were ready to receive his communications. On motion of Mr. Rhea, seconded by Mr. Fort, ordered, that the following address of his Excellency the Governor be inserted on the journals of this house.

Knoxville, 30th July, 1796.

Gentlemen of the Senate and of the House of Representatives :

The short time in which I conceived it was necessary to convene the Legislature, compelled me to call you together on so short a notice. In the first instance it was necessary to give all the time the emergency of the occasion would admit of, and in the second from a circumstance that the election to be held for Representatives, was approaching so near at hand, made it necessary, as I conceived, for the assembly to have it in their power, by a timely meeting (should they in their wisdom deem it proper) to make an alteration in the act directing the mode of electing representatives to represent this state in the Congress of the United States, before the day of election should arrive, as directed in the aforesaid act ; otherwise it might be attended with disputes and contentions of a disagreeable nature, for by a late act of Congress the intended number of our representatives is diminished, of course, it proportionably lessens our number of electors, for President and Vice President of the United States.

Thus such a derangement will necessarily require an alteration in our acts passed for such purposes.

Our Senators not being recognized in the senate of the United States, is another matter for your consideration and attention, and for your more ample information, the several acts and communications accompanying this address, will elucidate unto you the propriety of my calling the assembly together at this time.

I hope, I may be permitted to observe, that it is of importance, and conducive to public happiness, to arrange our acts conformably with those of congress so far as they shall respect this state.

The foregoing are the reasons why I have thought proper to convene the assembly in session on the present day ; and I make no doubt you will, through your paternal care, wisdom, and patriotic deliberations, adopt such measures as will tend to promote the public interest and general utility of the state.

I have the pleasure of announcing to you, gentlemen, the admission of the State of Tennessee into the Federal Union, a circumstance pregnant

with every flattering prospect of peace, happiness and opulence to our infant State. The period is at length arrived when the people of the South Western Territory may enjoy all the blessings and liberties of a free and Independent republic.

Permit me to wish you public, domestic and individual happiness, while I have the honor to be,

Very respectfully,

Your devoted and obedient servant,

(Signed)

JOHN SEVIER.

On motion of Mr. Rhea, seconded by Mr. Fort,

Ordered, that the following message be sent to the Senate ; accompanied with the address,

Mr. Speaker and Gentlemen,

Herewith is sent to you the communication from his Excellency the Governor, together with other official papers sent by him.

Mr. Lewis moved for leave, and presented a remonstrance of Andrew Jackson, which was read and referred to a committee of claims.

On motion of Mr. Fort, seconded by Mr. Weakly,

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

We propose that a committee of claims be appointed, and nominate on our part Messrs. Fort, Blair, and Menefee, to act with such gentlemen as you may appoint on your part.

Mr. Rhea moved for leave, and presented a bill directing the mode of electing one representative to represent this state in the congress of the United States, which was read the first time, passed and sent to the Senate.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

On motion of Mr. Rhea, seconded by Mr. Cocke, ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house do propose that the general assembly do convene to-morrow at 4 o'clock in the afternoon, in the Representatives Chamber, for the purpose of electing two Senators to represent this state in the Congress of the United States, which is sent to you for your concurrence.

A message from the Senate :

Mr. Speaker and Gentlemen,

The Senate having read the address of the governor, and the papers accompanying the same, have determined to commit the consideration thereof to a special committee, and have named on their part, Messrs. Lewis, White, and M'Minn, to act with such gentlemen as you may join.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

We concur with you in referring the papers laid before us by the Governor, to a special committee, and have named on our part Messrs. Blair,

Lewis, Montgomery, Newell, Weakley, and Conway, to act with such gentlemen by you appointed.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee of claims, and name on our part Messrs. Doherty and Rutledge.

Mr. Rhea moved for leave, and presented a bill to empower the justices of each court of the several counties in this state, to lay and have the same collected, an additional county tax for the year 1797, which was read the first time, passed, and sent to the senate.

A message from the Senate :

Mr. Speaker and Gentlemen,

The Senate concur with your proposition to meet in your chamber to-morrow at 4 o'clock, P. M. for the purpose of electing two senators to represent this state in congress, and nominate Mr. James White, Mr. William Blount, Mr. William Cocke, and Mr. David Campbell. The Senate have appointed Mr. Rutledge to superintend the balloting on their part.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house concur with your message, and on part of this house, do nominate Mr. Fort to superintend the balloting with the gentlemen by you appointed.

Adjourned till to-morrow 9 o'clock, A. M.

TUESDAY, AUGUST 2, 1796.

Met according to adjournment.

Mr. Gass moved for leave, and presented a bill authorizing Fairs and Markets in the county of Greene, which was read, passed and sent to the senate.

Received from the senate, a bill authorizing the justices of the courts of the several counties in this state, to lay and have the same collected, an additional county tax, for the year 1797, endorsed, 'Read the first time and passed,' which on motion of Mr. Rhea, was ordered to lie on the table for amendment.

Mr. Rhea moved for leave, and presented a bill to amend an act, entitled, 'an act ascertaining the number of the judges of the superior courts of law and equity, and fixing their salaries and directing their qualification to office,' passed at Knoxville, at an assembly begun and held the twenty-eighth day of March last past, which was read the first time, passed and sent to the senate.

Received from the senate, a bill to amend an act respecting the revenue and treasury department, endorsed, 'Read the first time and passed,' which was read the first time and passed.

Mr. Rhea moved for leave, and presented a bill providing for the election of electors of a President and Vice President of the United States, which was read the first time, passed, and sent to the senate.

On motion of Mr. Rhea, the bill authorising the justices of each court,

in the several counties in this state, to lay, and have the same collected, an additional county tax for the year 1797, was, with its amendment read the second time, passed, and sent to the senate.

Adjourned until 3 o'clock, P. M.

MET according to adjournment.

James Stuart, Esq. appeared and took his seat as speaker.

The senate and house of representatives having convened in the representatives' chamber, pursuant to a resolution of both houses of yesterday, when William Blount and William Cocke, were duly and constitutionally elected senators, to represent this state in the senate of the United States, and so declared by the speaker of the senate.

A bill directing the mode of electing one representative to represent this state in the Congress of the United States, was read the second time amended, passed, and sent to the senate.

Received from his excellency the governor, a message respecting an appropriation for the cutting a road from the Warm Springs to Sherrel's cove; which being read, was referred to a special committee.

Ordered that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

Herewith you have transmitted to you a communication from the governor, for your inspection and concurrence, to the endorsed reference.

Mr. Speaker and Gentlemen,

This house made the following resolution, which is sent you for your concurrence.

House of Representatives, August 2, 1796.

Resolved, that the clerk of the senate and clerk of the house of representatives, shall each transmit a copy of the entry on the journals of each house, respectively, of the election of William Blount and William Cocke, Esquires, senators, to represent this state in the Congress of the United States, which copies shall be signed by the speakers and attested by the clerks of each house, respectively, which shall be a certificate for his excellency the governor, to issue credentials thereupon, to William Blount and William Cocke, of their election.

Mr. Henderson moved for leave and presented a bill to amend the line between Hawkins and Grainger counties, and for other purposes, which was read the first time, passed, and sent to the senate.

Adjourned till to-morrow, 10 o'clock, A. M.

WEDNESDAY, AUGUST 3, 1796.

MET according to adjournment.

On motion of Mr. Weakley, seconded by Mr. Cocke, ordered that the following message be sent to the senate:

Mr. Speaker and Gentlemen,

This house have appointed the following persons justices of the peace,

for the several counties hereafter mentioned, and have sent it to you for your concurrence.

For the county of Blount—

For the county of Carter—

*For the county of Davidson—*Thomas Hutchings, John Willaimson, John Hirkpatrick, Robert Edmondson, Thomas Talbot, William Donelson, David Beaty, George M'Whirter, Adam Lyn, and Ephraim M'Lain.

For the county of Grainger.—

*For the county of Greene.—*Joseph Lusk, Adonijah Morgan, Daniel Carter, Thomas Love, David Russell, John Harmon, John Collier, and Benjamin M'Nutt,

For the county of Hawkins.—

*For the county of Jefferson.—*Peter Fine, and William Job.

*For the county of Knox.—*Benjamin Gist, William Read, and Paul Har-
elson.

For the county of Montgomery.—

For the county of Robertson.—

*For the county of Sullivan.—*Nicholas Mercer, and John Williams.

*For the county of Sumner.—*Daniel Smith.

For the county of Sevier.—

*For the county of Washington.—*John M'Colleston, and Benjamin Hol-
land.

The special committee to whom was referred the communications of the governor, made the following report :

Your committee to whom was referred the two communications from the governor, do report :

1st. That the objects it embraces are now under the consideration of the general assembly in part, and acted upon in part. Respecting the letter from the secretary at war, your committee do recommend that it be resolved, that the governor issue a proclamation agreeably to the purport of said letter. On the second communication, your committee taking into view the actual situation of the finances of this state, and considering that the expenditures of the government will be augmented by the present session, are of opinion, that it would be improper to make any application for defraying the expences of the road therein mentioned at this time, but that the governor be authorised to appoint commissioners, or reviewers, to report on the road, when completed, to the next general assembly: All which is submitted.

(Signed)

JOHN RHEA, Ch.

On motion, the consideration of the above report was postponed.

Received from the senate a bill directing the mode of electing one representative to represent this state, in the Congress of the United States ; endorsed, read the second time, amended and passed, which was read the third and last time, amended, passed, and sent to the senate.

On motion, the report from the special committee on the communication of the governor was taken up, and after some debate thereon, was concurred with in part, viz : That part which respects the opening a road from the Warm Springs to Sherrel's Cove, the other part not concurred with.

The committee of claims to whom was referred the remonstrance of Andrew Jackson, make the following report :

Your committee to whom was referred the remonstrance of Andrew Jackson, are of opinion, that if the money appropriated by law, in Mero District, to the payment of the attorney, has been appropriated to the use of the Territory ; that his remonstrance is in part reasonable and ought to be granted : All which is submitted.

(Signed)

WM. FORT, Ch.

Ordered, that the following message be sent to the senate.

Mr. Speaker and Gentlemen of the Senate,

Herewith is sent to you the report of the committee, to whom was referred the communications from the governor, with entries thereon of what this house have resolved relative to said report, for your concurrence.

Received from the senate the following bills, viz :

A bill providing for the election of electors of a President and Vice President of the United States, endorsed, read the first time and passed ; which was read the second time, amended, passed, and sent to the senate.

A bill to establish fairs and markets in the county of Greene, endorsed, read the first time and passed ; which was read the second time, passed and sent to the senate.

Mr. Lewis moved for leave and presented a bill, making compensation to the members, clerks, and door-keepers of the general assembly, and for other purposes, which was read the first time, passed, and sent to the senate.

Mr. Gass moved for leave, and presented a bill to authorise the treasurer to pay Charles Robertson for cutting a road from the Warm Springs to Sherrel's Cove, which was read the first time, passed and sent to the senate.

Received from the senate, a bill to amend an act ascertaining the number of judges of the superior courts of law and equity, fixing their salaries, and directing their qualifications to office, passed at Knoxville, at an assembly begun and held the twenty-eighth day of March last past, endorsed, read the first time and passed ; which being read the second time, was on motion, ordered to lie on the table until the next general assembly.

On motion of Mr. Rhea, ordered, that the following messages be sent to the senate :

Mr. Speaker and Gentlemen of the Senate,

This house have nominated Messrs. Rhea, Lewis, and Outlaw, to be a committee with such gentlemen as you shall appoint to prepare an address to the governor on the subject of his communications to the general assembly.

Mr. Speaker and Gentlemen of the Senate,

This house has resolved, that the following address be presented to Mr. William Cocke :

SIR, By a vote of the general assembly of the state of Tennessee, Mr. William Blount and yourself, formerly elected senators to represent this state in the senate of the Congress of the United States, are again elected for that purpose, the general assembly do, on behalf of the citizens of the

state of Tennessee, express their entire confidence in the fidelity and integrity of their senators.

Mr. WM. COCKE.

That a committee be appointed to wait on Mr. Cocke, to present the same, and for that purpose have named Messrs. Fort and Blair, to act with such gentlemen as you shall appoint, which is sent to you for your concurrence.

On motion, the report of the committee to whom was referred the remonstrance of Andrew Jackson was again taken up, and after some debate thereupon, was concurred with by the vote of the speaker.

On motion of Mr. Fort, ordered that the following resignation of Thomas Johnston be entered on the journals of this house :

To the Hon. General Assembly now convened in Knoxville.

Mr. Speaker and Gentlemen,

Consistent with my domestic interest, I cannot any longer serve as a member of your honorable body, and hope that this will be received as my resignation.

(Signed)

THOMAS JOHNSTON.

Ordered, that the following message be sent to the Senate,

Mr. Speaker and Gentlemen,

This house have concurred with the remonstrance of Andrew Jackson, Esq. and send it to you for your concurrence.

Received from the senate the following messages :

Mr. Speaker and Gentlemen,

The house concur with you in appointing a committee to wait on William Cocke, Esq. and present the address by you prepared for that purpose, and name on their part Mr. Lewis.

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to prepare an address to be presented to his excellency the governor, in answer to his two communications, and have on their part appointed Mess. Frazier and M'Minn.

Resolved, that the speaker of this house address his excellency the governor, informing him of the resignation of Thomas Johnston, esq. late member of this house from the county of Tennessee.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time the bill directing the mode of electing one representative to represent this state, in the Congress of the United States, and have amended it by striking out of the fifth section from the word representative, the words 'And if the same be not decided by the said returning officers, they shall decide it;' which

when thus amended, the clause stands as follows : ' Sect. 5. Be it enacted that if two or more candidates have the same number of votes, the said returning officers shall decide which of them shall be representative, in the same manner as grand jurors are by law drawn for.'

If you agree to this amendment you will please send two of your members to see it made.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house concur with the amendment by you proposed to the bill, directing the mode of electing one representative, to represent this state in the Congress of the United States, and do nominate Messrs. Outlaw and Newell to see it made.

Received from the senate, a bill to amend the law respecting the revenue and treasury department, endorsed, read the second time and passed ; which was, on motion of Mr. Outlaw, seconded by Mr. Newell, withdrawn for amendment.

Mr. Lewis moved for leave and presented a bill authorizing the several county courts in Mero district to appoint auditors to settle and adjust certain claims of Daniel Rowan against the county of Davidson, which, after some debate thereupon, was ordered to lie on the table until the next general assembly.

Mr. Lewis moved for leave, and presented a bill to amend the law, which was, on motion of Mr. Weakley, seconded by Mr. Fort, ordered to lie on the table until the next general assembly.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house have appointed Messrs. Rhea and Weakley a committee, on the part of this house, to act in conjunction with such gentlemen as you may appoint, to examine all the bills that may be passed this session of the general assembly.

Resolved, that Mr. John Cocke, a member of this house have leave of absence during the present session.

Adjourned till 8 o'clock, P. M.

Met according to adjournment.

Received from the senate the following bills, viz. a bill appointing commissioners in addition to those already appointed in the county of Grainger, &c. endorsed, read the first time and passed ; which was read the first time in this house and passed.

Also, a bill directing the mode of electing the several officers whose appointments are vested in the county courts, &c. endorsed, read the first time and passed ; which being read, was passed the first time.

Received from the senate, the report of the committee to whom was referred the communications of the governor, endorsed, read and concurred with.

Received from the senate the following message :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to examine the

bills which may be passed this session, and appoint on their part Mr. M'Minn.

Mr. Weakley from the committee appointed to examine engrossed bills reported, that they had examined the act directing the mode of electing one representative to represent this state in the congress of the United States, and found it to be duly engrossed from the original, which being signed by the speaker of the senate, is also signed by the speaker of the house of representatives in presence of the house.

Adjourned till to-morrow 9 o'clock A. M.

THURSDAY, AUGUST 4, 1796.

Met according to adjournment.

Received from the senate the following bills, viz. a bill providing for the election of electors of a President and Vice President of the United States, endorsed, read the second time and passed.

Which being read the third time in this house, was on motion of Mr. Rhea, seconded by Mr. Fort, ordered to lie on the table.

Likewise, a bill making compensation to the members, clerks and door-keepers of the general assembly, and for other purposes, endorsed, read the first time and passed; which being read the second time, when it was moved by Mr. Newell, and seconded by Mr. Gass, to have the third section, "Making compensation to Andrew Jackson, for his services as attorney general, during the continuance of the territorial government," struck out, which was carried in the affirmative; whereupon the yeas and nays being called for by Mr. Fort, seconded by Mr. Weakley, are as follows:

YEAS—Messrs. Black, Conway, Gass, Crawford, Clack, Newell, Rhea, Looney, Blair and Sims.—10.

NAYS—Messrs. Weakley, Henderson, Outlaw, Peck, Menefee, Cantrell, Montgomery, Fort and Lewis.—9.

The bill was then read the second time, passed and sent to the senate.

The bill to amend the law respecting the revenue and treasury department, which was withdrawn by Mr. Outlaw for amendment, was returned, and after some debate thereon, ordered to lie on the table.

Received from the senate, a bill to empower the justices of each court of the several counties in this state, to lay and have the same collected, an additional county tax for the year 1797, endorsed, read the second time and passed; which being read the third and last time, was amended, passed, and sent to the senate.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

On motion of Mr. Rhea, the bill to amend the law respecting the revenue and treasury department was again taken up; when Mr. Fort, seconded by Mr. Cantrell, moved to have the 9th section of said bill struck out, to wit: 'Be it enacted, that the sheriff of Sumner county be authorised to collect the tax due for the above-mentioned year, in that part of

Robertson county, which was formerly within the county of Sumner, in as full and ample manner as if no division had taken place.'

And offered the following in lieu thereof :

And be it enacted, that the sheriff of Sumner county be authorised and empowered to collect the public tax, for the year one thousand seven hundred and ninety-six, due from the inhabitants of that part of Sumner county, which was added by an act of the general assembly, to the county of Robertson; and that the sheriff aforesaid be released from collecting or paying the county tax, for which he may be liable to the county court of Sumner, from the inhabitants aforesaid: And the inhabitants aforesaid, are hereby released from the payment of the said county tax, to said sheriff.

Which was carried in the negative.

Mr. Black, seconded by Mr. Outlaw, moved that the following amendment be received, viz.

In this state held by deed, grant, or entry, within the bounds described by the act of Congress, admitting this state to be one of the United States, which after some considerable debate, Mr. Weakley moved that the yeas and nays be taken which are as follows :

YEAS—Messrs. Black, Conway, Gass, Outlaw, Crawford, Clack, Newell, Montgomery, Blair, and Sims.—10.

NAYS—Messrs. Weakley, Henderson, Peck, Menefee, Cantrel, Rhea, Fort, and Lewis.—8.

The bill being amended, was read the second time, passed and sent to the senate.

Adjourned till to-morrow 9 o'clock, A. M.

FRIDAY, AUGUST 5, 1796.

Met according to adjournment.

The undersigned having had leave yesterday to enter their dissent to the amendment and passage of the bill, to amend the law respecting the revenue and treasury department, have agreeably thereto entered the following :

To the amendment we dissent.

First, Because we conceive this state has no right to tax lands to which the Indian claim is not extinguished, she being unable to protect the claimants in the enjoyment thereof; nor do their grants give a complete title, till the Indian claim shall be fully done away. Taxes are justifiable only on the ground of giving the citizens protection—to exact the one without affording the other is tyranny.

Secondly, Because its evident and direct tendency is to induce the claimants to take possession of those lands in opposition to the law, and thereby light up the flames of an Indian, and perhaps a civil war.

Thirdly, Because we conceive the passing such a law is in itself an attempt to violate the Federal Constitution.

Fourthly, Because the bill passed this house without being read, on the

second reading, any further than to the place when this amendment, inclusive, is inserted.

(Signed)

Seth Lewis, John Rhea, R. Weakley, William Fort, Adam Peck, Thomas Henderson, John Menefee, Stephen Cantrell.

Mr. Rhea, seconded by Mr. Weakley, moved that the words on the journal, 'read the third and last time,' be struck out, and that the words 'being read as far as this amendment, inclusive, introduced by Mr. Black,' be entered in room thereof.

On this motion, a division of the question was called for, viz.

The words 'read the third and last time,' be struck out, on which the question being put, was carried in the negative.

It was then on motion of Mr. Montgomery, seconded by Mr. Outlaw, ordered, that the word 'then' be struck out, which was done.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill for laying an additional county tax, and propose amending it, by adding to the last section after the words 'Davidson, Montgomery, Robertson, and Washington,' the words 'and Hawkins,' and to strike out the word 'and' from before the word 'Washington.' If you should agree to this amendment, you will please send two of your members to see it made.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house concur with your message with respect to the addition of Hawkins, and striking out the word 'and' from before 'Washington;' and have sent Messrs. Rhea and Gass to see the amendment made.

On motion of Mr. Lewis, seconded by Mr. Montgomery, resolved, that each member who is sent for by the house, shall forfeit and pay to the door-keeper the sum of twenty-five cents, unless absent with leave of the house.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate concur with your appointment of justices of the peace, except as to Adonijah Morgan, David Russell, and John Harmon, of Greene county, and Paul Harrelson, of Knox county.

The senate nominate the following persons as justices of the peace :

For the county of Carter—John Hendricks.

For the county of Greene—Robert Wyley.

For the county of Knox—

The senate nominate Peter Counts as surveyor for the county of Greene.

The Senate also nominate the following persons as justices of the peace :

For the county of Hawkins—John Young, Isham Reynolds, George Roberts, junr. Robert Campbell, Peter Miller, Joseph Webster, William M'Gehee, and Moses Bail.

Address of the hon. William Cocke, esquire.

The hon. General Assembly of the state of Tennessee :

Gentlemen,

Nothing can be a higher reward for faithful services, than the approbation of a free people—I call my country free, because by their constitution they are so.

I cannot help mentioning to you, I feel the deepest concern to see our dearest rights invaded by the supreme legislature of the nation. We are by them made subject to the payment of taxes, while we have been unjustly deprived of representation.

We have been deprived of the use of our property for public convenience, without any compensation being made, and acts in the stile of laws have been passed declaring it highly penal to enjoy the free use thereof: Such rude attacks on our constitutional rights should be remonstrated against with freedom and firmness.

As you are pleased to express your confidence in your senators, permit me to assure you, that I have felt the greatest pleasure, in being a witness of the unwearied diligence and patriotic exertions of my colleague, and greatly anticipate the pleasure of serving with a man so devoted to the public good.

I hope our opponents in the senate of the united states, will be unable to find another quibble, whereby to deprive us of an equal share of the representation that shall make the laws by which we are to be governed.

I am, with great respect,

Your obedient servant,

WILLIAM COCKE.

Knoxville, August 3, 1796.

Received from the senate the following bill, viz. A bill directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter sessions, endorsed, read the second time and passed, which being read, was amended, passed the second time and returned.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

The house of representatives propose to appoint a committee to draw an estimate of the expenditures of the present general assembly, and report the same, and nominate on the part of this house Messrs. Weakley, Henderson, Lewis, and Fort, to act with such gentlemen as you may think proper to add.

Adjourned until 3 o'clock, P. M.

Met according to adjournment.

Received the following bill from the Senate :

A bill providing for the election of electors of a president and vice president of the united states, endorsed, read the second time, amended, and passed, which being amended in the house of representatives, was read the third and last time, and returned.

Received the following message from the senate :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to draw up an estimate of the expenditures of the present general assembly, and name on their part Mr. M'Minn and Mr. Lewis. The senate propose that the same committee be instructed to contract with the printer for the printing of the acts and journals of this session.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house concur with you, that the committee appointed to estimate the expenditures, shall also contract with the printer, as you observe.

Mr. Weakley, from the committee, to whom was referred the examination of engrossed bills, passed this session, reported, that they had examined an act, entitled, 'An act for laying and collecting an additional county tax, for the year 1797,' and that it is duly engrossed from the original, which being signed by the speaker of the senate, was also signed by the speaker of the house of representatives in presence of the house.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate have received from you the bill to amend the law respecting the revenue and treasury department; it appears by a number of loose and detached papers enclosed in it, that they were intended as amendments; but the endorsement on the bill says, *August 4th, 1796, read the third and last time and passed, L. Grimes, C. H. R.* The senate wish you to explain whether this bill was amended or not, and if so, in what manner, as there appears no order in the amendment, by which they can arrange them.

Received from the senate, a bill appointing commissioners, in addition to those already appointed in the county of Grainger, by an act of the general assembly, begun and held at Knoxville, on the 28th, day of March, 1796, and for other purposes; endorsed, read and passed the second time, which was read the second time in the house of representatives; and on motion of Mr. Fort, seconded by Mr. Rhea, ordered to lie on the table until the next general assembly.

Ordered, that the following message be sent to the senate :

This house hath herewith sent you the journal of the house, in order to shew you their proceedings on the act by you referred to.

Adjourned till to-morrow, 9 o'clock, A. M.

SATURDAY, AUGUST 6, 1796.

Met according to adjournment.

Received from the senate the following bill, viz: A bill directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter sessions, endorsed, read the third and last time and passed, which being read, was passed the third time, and ordered to be engrossed.

Ordered, that the following message be sent to the Senate,

Mr. Speaker and Gentlemen,

This house do concur with your nomination of justices, for Greene county, as to Robert Wyley, in place of Adonijah Morgan, but do insist for your concurrence to our nomination of David Russel as a justice of Greene county, also, of John Harman. This house do not concur in the nomination of a surveyor for said county. Herewith is sent you a petition from Greene county respecting David Russell, for your consideration.— This house concur with your nomination of justices for Hawkins county, and also nominate John Hogan for Sumner county.

Mr. Speaker and Gentlemen,

The house of representatives propose that a committee be appointed for the purpose of drawing up a remonstrance, to be presented to the Congress of the united states, and nominate on the part of this house, Messrs. Rhea, Outlaw, Newell, and Lewis, to act with such gentlemen as you may think proper to add.

A message from the Senate :

Mr. Speaker and Gentlemen,

We herewith send you a resolution which we have entered into this day, respecting the opening a road from the Warm Springs, on French Broad, with which your concurrence is requested.

Which is as follows : Whereas it would contribute highly to the advantage of this government, as well as to the convenience of travellers who may have occasion to pass from any of the southern states to this state, by way of the Warm Springs on French Broad, to have opened a road sufficient for carriages to pass with as much safety and convenience as possible ; And whereas it appears that Charles Robertson hath proceeded to the opening and clearing a road to the aforesaid Warm Springs, and reports it to be in part completed ; Nevertheless, it appearing from good authority, that a nearer and better way can be obtained, to the end therefore, that the experiment be made,

Resolved, that John Wilson, George Maxwell, and George Gillespie, be appointed reviewers, and they, or a majority of them, are hereby authorised and directed to review both ways, and to report to the next general assembly, upon oath, which will admit of the nearest and best way, with the probable expence attending the opening the waggon road, together with the value of the labour done by Mr. Charles Robertson, on the way that he is now opening ; for which services, each of the said reviewers shall be allowed the sum of one dollar and seventy-five cents for every day they shall necessarily be employed in the discharge of the duties required by this resolution.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house do not concur with your message respecting the road leading from the Warm Springs ; they considering the resolve passed at the last session, is still in force, and sufficiently declaring the opinion of the legislature on that subject.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate cannot concur with your proposition to appoint a committee to draw up a remonstrance to Congress until they are informed of the purport thereof.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

The purport of the remonstrance to be drawn up by the committee, and to be presented to Congress, if approved of by the legislature, is respecting the land below the line of Holston, and to which the Indian claim is not extinguished, and other grievances.

A message from the senate :

Mr. Speaker and Gentlemen,

The senate having read for the third and last time, the bill providing for the election of electors of a President and Vice President of the United States. have amended it as follows : In the 8th section after the words 'to and from,' they have added the words, 'the said place of election,' and to the bottom of said section, have added the following proviso : 'Provided nevertheless, that nothing herein contained shall be so construed as to make any compensation to the electors herein named, for electing the electors of a President and Vice President of the United States.

The senate have added the following as the 10th and last section of said bill ; 'Section 10th, Be it enacted, that an act, entitled, an act providing for the appointment of electors to elect a president and vice-president of the United States, passed at an assembly begun and held at Knoxville, 28th of March last past,' be, and the same is hereby repealed and made void. If you should agree to these amendments you will please send two of your members to see them made.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house concur with your message respecting the amendments by you proposed, to the bill providing for the electors to elect a president and vice president of the United States, and appoint Messrs. Blair and Newell to see them made.

Adjourned till 3 o'clock, P. M.

Met according to adjournment.

Received the following bill from the Senate :

A bill making compensation to the members, clerks, and door-keepers of the general assembly, and for other purposes, endorsed, read the second time, amended and passed.

On reading of which in this house, it was moved and seconded, that the following be added as a section thereto :

And be it enacted, that Joseph Greer and Charles M'Clung shall ascertain and report to the next general Assembly, the rent of the house the governor now lives in, or any other in Knoxville, for his accommodation, not taking the furniture thereof into the estimate ; which rent shall be reported on as low terms as is consistent with right and justice to the

owner ; which being objected to, was carried in the affirmative, whereupon Mr. Weakley, seconded by Mr. Gass, moved to have the yeas and nays taken, which are as follows :

YEAS—Messrs. Black, Conway, Henderson, Outlaw, Peck, Menefee, Crawford, Newell, Cantrell, Rhea, Looney, Fort, Sims and Clack.—14.

NAYS—Messrs. Weakley, Gass, Montgomery, Lewis and Blair.—5

It was then moved by Mr. Weakley, seconded by Mr. Outlaw, that Nathaniel Buckingham be allowed the sum of one dollar for each bill he shall engross, on which the question being put, was carried in the negative.

The bill being amended, was then read the third and last time, passed and sent to the senate.

Mr. Rhea from the committee to whom was referred the communications from the governor, reported, that the following address be presented to him :

SIR,

We are fully sensible, that the important objects by you laid before this general assembly, made it necessary for you to convene the legislature at this time.

We rejoice with you in the event of this state being firmly admitted into the federal union ; and our minds are filled with the most pleasing sensations, when we reflect on the prosperity and political happiness to which we view as a certain prelude. Be assured, sir, it will be our first and greatest care to adopt such measures as will promote the true interests of this state, as connected with the American union.

With respect to our representation, in the senate of the United States, in particular, we flatter ourselves, such steps have been taken, that no reason now remains sufficient to justify that body in refusing any longer to recognize our senators.

We view it as essentially necessary to the preservation of peace and harmony with the Indian tribes, that the constitutional treaties and laws should be duly observed ; and we have the fullest confidence that the executive of this state will take proper measures to enforce their due execution.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

Herewith is sent to you the report of the committee to whom was referred the communications from the governor ; this house have concurred therewith, and have also nominated Messrs. Looney, Clack, and Peck, to be a committee with such gentlemen as you shall appoint, to wait on the governor, and present the same to him, which is sent to you for your concurrence.

Mr. Weakley from the committee, to whom was referred the examination of engrossed bills, reported, that they had examined an act, entitled an act, directing the mode of electing the several officers, whose appointments are by the constitution vested in the county courts of pleas and quarter sessions, which being signed by the speaker of the senate, was also signed by the speaker of the house of representatives in presence of the house.

Received from the senate the following message :

Mr. Speaker and Gentlemen,

The senate propose to meet you at half past 7 o'clock this evening, in your chamber, to take into consideration the bill respecting the revenue and treasury departments.

Ordered, that the following message be sent the senate :

Mr. Speaker and Gentlemen,

This house cannot concur with you respecting a conference.

Adjourned till Monday 9 o'clock, A. M.

MONDAY, AUGUST 8, 1796.

Met according to adjournment.

Mr. John Cocke, who had leave of absence during the present session, returned and took his seat.

Received from the senate the following messages :

Mr. Speaker and Gentlemen,

The senate concur with you in appointing a committee to draw up a remonstrance to Congress, and name on their part Messrs, White and Doherty.

Mr. Speaker and Gentlemen,

The senate have read for the third and last time, the bill making compensation to the members, clerks, and door keepers of the general assembly, &c. and have amended it, by filling up the blank to George Roulstone, eight dollars for stationary, and to Nathaniel Buckingham, eight dollars, for engrossing. Also to Thomas Bounds, door keeper, one dollar and seventy five cents per day. The senate have further amended said bill by striking out the last section thereof. Should you agree to these amendments, you will please send two of your members to see them made.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house concur with your message respecting the clerks and door keepers, and amendments to the bill, containing the same, and nominate Messrs. Cocke and Rhea to see the amendments made.

Mr. Weakley from the committee to whom was referred the examination of engrossed bills, report that they had examined an act, entitled an act providing for the election of electors of a President and Vice President of the United States, and that it is truly engrossed from the original, which being signed by the speaker of the senate, was signed by the speaker of the house of representatives in presence of the house.

Adjourned till 6 o'clock, P. M.

Met according to adjournment.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose that the committee to whom it was referred to

draught and report the expences of the present session of assembly, make up the estimate to the end of this day and no longer.

Adjourned for one hour.

Met according to adjournment.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose the following resolves, which is sent to you for your concurrence.

Resolved, that a copy of the journals of each house respecting the appointment of justices of the peace, to be made out by the clerks respectively, be signed by the speakers, and sent to the governor to issue the commissions.

Messages from the senate :

Mr. Speaker and Gentlemen,

The senate agree that the committee make up the estimate of the expences of this assembly to this day inclusive, as by you proposed.

Mr. Speaker and Gentlemen,

The senate concur with the resolution entered into by you, respecting the commissions of the magistrates, but disagree to the one respecting the printing five hundred journals, and offer in lieu thereof the following :

Resolved, that George Roulstone do print five hundred copies of the laws and one hundred copies of the journals of each house, of this assembly, and distribute them as directed by a resolve of the last assembly.

Ordered that the following messages be sent to the senate :

Mr. Speaker and Gentlemen,

This house concur with your message respecting the printing the acts and journals of this session of the general assembly.

Mr. Speaker and Gentlemen,

This house propose to add Alexander Greer and Samuel Williams to the nomination of justices of the peace for the county of Carter.

A message from the senate :

Mr. Speaker and Gentlemen,

The Senate propose that a joint committee wait on his excellency the governor, and inform him, that the general assembly propose adjourning this evening, *sine die*, having finished the public business for which they were convened, and name on their part Mr. Lewis.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house concur with you in appointing a committee to wait on the governor, and nominate on their part Messrs. Gass and Cocke for that purpose.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate herewith send you a report of the committee appointed to

draw up a remonstrance to Congress, and have concurred therewith, except as to the paragraph marked 3d, in lieu of which they offer the following.

3d. North Carolina, under the faith of the existing compacts, opened a land office for the sale of their western lands, for which they have received payment; for part of which they have issued grants, and part is not yet surveyed. To this amendment the senate ask your concurrence.

Ordered, that the following message be sent to the Senate:

Mr. Speaker and Gentlemen,

This house concur with your message respecting the remonstrance to Congress.

Mr. Speaker and Gentlemen,

This house propose to rescind the resolution entered into relative to adjourning *sine die*, and propose to meet to-morrow morning at six o'clock.

Adjourned till to-morrow 6 o'clock, A. M.

TUESDAY, AUGUST 9, 1796.

MET according to adjournment.

Ordered, that the following message be sent to the Senate:

Mr. Speaker and Gentlemen,

This house have proceeded to amend the remonstrance to be laid before Congress, and herewith send the amendment to you for your concurrence.

Received from the senate the following messages:

Mr. Speaker and Gentlemen,

The senate concur with you in the nomination of Alexander Greer and Samuel Williams, as justices of the peace for Carter county.

Mr. Speaker and Gentlemen,

The senate send you the report of the committee appointed to contract with the printer for your concurrence.

Received from the senate the following report: Your committee appointed to contract with the printer, reported, that they have agreed with him to do the printing of this session on the same terms as agreed upon for the printing of the last session; endorsed, read and concurred with, which being read in the house of representatives, was concurred with.

Adjourned till ten o'clock, A. M.

Met according to adjournment.

The committee to whom it was referred to draw up a remonstrance to Congress, reported the following, which was concurred with.

To the Hon. the Congress of the United States of America.

The address and remonstrance of the general assembly of the state of Tennessee, on behalf of the citizens thereof,

Setteth forth:

1st. It appears by an act of Congress, ratified in June, one thousand

seven hundred and ninety-six, that the State of Tennessee, is admitted into the Federal Union, on an equal footing with any of the original states in all respects whatever.

2d. At the beginning of the late American revolution, the United States guaranteed to each state its sovereignty, according to the chartered limits thereof:—And by the treaty of Paris, done in the year one thousand seven hundred and eighty-three, the king of Great Britain acknowledged the United States to be free sovereign and independent, and for himself, his heirs and successors, relinquished all claims to the government, propriety and territorial rights of the same and every part thereof.—It is believed that this relinquishment operated to each state respectively, according to the chartered limits thereof, as to right of soil and sovereignty; and in the said treaty no provision for a reservation of any Indian claim is made.

3d. In one thousand seven hundred and seventy-six, North Carolina made a bill of rights, in the last section of which is contained a declaration of the sovereignty, right and property of territory, as limited and described in the charter of king Charles, with a *proviso*, for any nation or nations of Indians, at the discretion of the legislature.

4th. Acting on the principles contained in the first and third section of this address (confirmed by those in the second section thereof) North Carolina, in the year one thousand seven hundred and seventy-seven, opened a land office for the sale of lands, within the limits thereof, as appears from the preamble of the said act, to operate as extensively as the said limits, as is also set forth in the third section thereof, entries for lands being to be made with the entry taker of any county within the state for claims for any lands lying in such county, except as therein excepted.—In the year one thousand seven hundred and seventy-seven, by an act of the legislature, the county of Washington was erected, and the limits thereof described, containing all the lands within the chartered limits of the state, lying between the Appalachian mountains and the river Mississippi (which is now in the state of Tennessee). Under this act, the land office for sale of land, first begun its operations in the said described county.

5th. In the year one thousand seven hundred and seventy-eight, an act was passed by the legislature of the state of North Carolina, in the fifth section whereof, a line is mentioned and described. It is believed that by this act and line, as described in the said section, no relinquishment of right of territory is made; but that the said line was declared for certain political reasons of the said state.

6th. In the year one thousand seven hundred and eighty three, passed another act for the sale of lands. This act revives and continues the first act, except what is thereby repealed, and in its object embraces the limits described in the act erecting Washington county before alluded to.

7th. In consequence of this and other laws respecting sales of land, by entries made in land offices, and warrants issued thereon, grants have been issued in part, and (warrants yet to lay) for lands lying within the original limits of the county of Washington.

8th. In the year one thousand seven hundred and eighty-nine, North Carolina made a cession of western lands to Congress, for the use of the

United States, under certain express conditions and subject thereto, as contained in the act of cession for that purpose; and the contract was solemnly executed by deed on the part of North Carolina, and accepted on the part of Congress on behalf of the United States: Part of the conditions of said contract are reported by a committee at the last session of Congress: And the said act provides, that the governor for the time being shall, and is required to perfect such titles in such manner as if the act had never been passed.

9th. The constitution of the United States confirms all engagements and contracts entered into by the United States, before the adoption thereof; under existing laws, the enterers and grantees of lands lying within the said original limits of Washington county, expected they were secure, as to the right in fee, and right of possessing the lands by them purchased and honestly paid for.

10th. In the year one thousand seven hundred and eighty-five, the treaty of Hopewell was made with the Cherokee Indians by the United States; but the agent of North Carolina protested against the same. In the year one thousand seven hundred and ninety-one, the treaty of Holston was made between the United States and the Cherokee Indians, describing a line as therein mentioned: And by an act of Congress, passed at the last session, fines, forfeitures and imprisonment are enacted against claimants and grantees of lands lying beyond said line, for doing things in said act mentioned.

11th. This general assembly believe that the enterers and grantees of lands lying over the said line, are much injured by the operation of the said last mentioned treaty, and are in possibility liable to be much more oppressed by the operation of the said last mentioned act of Congress, being thereby altogether prohibited from doing any act of ownership, on lands by them, long time past, *bona fide* contracted and paid for, and for which, in part, grants have issued under the faith of North Carolina and the United States.

12th. It is believed that the Indians have no fee simple in the lands alluded to, otherwise the very deed made by North Carolina to the United States would be void.—If the Indians have any kind of claim to the lands in question, it is believed to be of the lowest kind of tenancy, namely that of tenants at will.

13th. This legislature ever willing to support the constitution and laws of the United States, made pursuant thereto, being impressed with a sense of the injury and grievances sustained by the citizens in consequence of the line of the said treaty of Holston, and the act before mentioned, do earnestly request, that the prohibitions preventing them to possess the lands before alluded to may be removed—That provision by law be made for extinguishing the Indian claim to said lands—That the owners and grantees of said lands, may enter upon, occupy and possess the same in a full and ample manner, and have every right, privilege, and advantage, which they are entitled to by constitutional laws; which justice being done to the citizens of this state, the officers of government will be enabled to execute the constitutional laws of the United States with ease and convenience.

Mr. Rhea from the committee to whom was referred the examination of engrossed bills, reported, that they had examined an act making compensation to the members, clerks, &c. of the general assembly, and for other purposes, and that it was truly engrossed from the original ; which being signed by the speaker of the senate, was also signed by the speaker of this house in presence of the house.

Ordered, that the following message be sent to the senate :

Mr. Speaker and Gentlemen,

This house propose the following resolution, which is sent to you for your concurrence :

Resolved, that it shall be a duty of the senators and representative of this state in the Congress of the United States, to lay a remonstrance of this legislature before Congress, and endeavor that the object thereof be obtained.

A message from the Senate :

Mr. Speaker and Gentlemen,

The business of this general assembly being ended, this house propose adjourning *sine die*.

Ordered, that the following message be sent to the Senate :

Mr. Speaker and Gentlemen,

This house concur with your message proposing an adjournment *sine die*.

A message from the Senate :

Mr. Speaker and Gentlemen,

The senate concur with you in the resolution by you entered into, respecting the remonstrance to be presented to Congress.

ESTIMATE of the pay of the members, clerks, and door keepers of the general assembly, begun and held at Knoxville, on the 30th day of July, 1796.

| NAMES. | No. of days. | Pay per day. | No. of miles. | Pay per 25 mls. | Amount. |
|---|--------------|--------------|---------------|-----------------|---------|
| Alexander Kelly, | 7 | \$1 75 | 25 | \$1 75 | \$14 |
| Joseph Black, | 10 | 1 75 | 30 | 1 75 | 19 60 |
| Littlepage Sims, | 8 | 1 75 | 36 | 1 75 | 16 52 |
| Joel Lewis, | 10 | 1 75 | 400 | 1 75 | 45 50 |
| Robert Weakley, | 10 | 1 75 | 400 | 1 75 | 45 50 |
| Seth Lewis, | 10 | 1 75 | 400 | 1 75 | 45 50 |
| Samuel Frazier, | 10 | 1 75 | 160 | 1 75 | 28 70 |
| Joseph Conway, | 10 | 1 75 | 116 | 1 75 | 25 62 |
| John Gass, | 10 | 1 75 | 150 | 1 75 | 28 |
| Joseph M'Min, | 10 | 1 75 | 160 | 1 75 | 28 70 |
| Thomas Henderson, | 10 | 1 75 | 100 | 1 75 | 25 50 |
| John Cocke, | 6 | 1 75 | 70 | 1 75 | 15 40 |
| George Doherty, | 10 | 1 75 | 60 | 1 75 | 21 70 |
| Alexander Outlaw, | 10 | 1 75 | 100 | 1 75 | 24 50 |
| Adam Peck, | 10 | 1 75 | 56 | 1 75 | 21 42 |
| James White, | 10 | 1 75 | | 1 75 | 17 50 |
| John Menefee, | 10 | 1 75 | | 1 75 | 17 50 |
| John Crawford, | 10 | 1 75 | | 1 75 | 17 50 |
| George Rutledge, | 10 | 1 75 | 240 | 1 75 | 34 30 |
| John Rhea, | 10 | 1 75 | 240 | 1 75 | 34 30 |
| David Looney, | 10 | 1 75 | 240 | 1 75 | 34 30 |
| James Winchester, | 10 | 1 75 | 330 | 1 75 | 40 60 |
| Stephen Cantrel, | 10 | 1 75 | 370 | 1 75 | 43 40 |
| William Montgomery, | 10 | 1 75 | 360 | 1 75 | 42 70 |
| John Clack, | 10 | 1 75 | 60 | 1 75 | 21 70 |
| Spencer Clack, | 10 | 1 75 | 60 | 1 75 | 21 70 |
| Samuel Newel, | 10 | 1 75 | 24 | 1 75 | 19 18 |
| James Ford, | 10 | 1 75 | 440 | 1 75 | 48 30 |
| William Fort, | 10 | 1 75 | 440 | 1 75 | 48 30 |
| John Tipton, | 10 | 1 75 | 218 | 1 75 | 32 76 |
| James Stuart, | 7 | 1 75 | 200 | 1 75 | 26 25 |
| John Blair, | 10 | 1 75 | 186 | 1 75 | 30 52 |
| George Roulstone, C. S. | 10 | 2 50 | | | 25 |
| Nathaniel Buckingham, assistant clerk to do, | 10 | 1 75 | | | 17 50 |

| | | | | |
|--|----|------|--|-------|
| Allowance to George Roulstone for stationary, | | | | 8 |
| Allowance to Nathaniel Buckingham for engrossing, | | | | 8 |
| Ludwell Grymes, clerk house of representatives, | 10 | 2 50 | | 25 |
| John Hillsman, assistant clerk to do. | 8 | 1 75 | | 14 |
| Ludwell Grymes, for stationary, | | | | 4 |
| John Hillsman, for do. | | | | 4 |
| Thomas Bounds, door-keeper to the senate, | 10 | 1 75 | | 17 50 |
| John Rhea, door-keeper the house of representatives, | 10 | 1 75 | | 17 50 |
| John Rhea for contingencies, | | | | 4 |

Resolved, that the thanks of this house be given to James Stuart, esq. for his careful discharge of the duties of speaker.

The house then adjourned *sine die*.

JAMES STUART, S. H. R.

By order of the house,

LUDWELL GRYMES, C. H. R.

27 17-54

